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P R O C E E D I N G S [11:00 a.m.]

Agenda Item: Group One

MS. SULLIVAN: Let me just tell you who was in my group. This represents a good couple of hours of hard work by all of us, Rick, Bob, Mike, and Tom. Did I leave anybody out?

[No response.]

MS. SULLIVAN: Okay. What we did was look at an overall change to the form or overall changes to the form and then did it section by section.

Overall, we thought about the idea of completely redesigning the form. While those of us who have never reported before would kind of like to see that because we feel that there are some conflicting things on the form, those who have reported previously feel that changing the form at this point would be quite a burden on them and on EPA, on the data analysis people, the people who use the data from the forums. Having it in a totally different format would be a burden for some period of time. So we can say generally that while some people would like to see the form redesigned, it is probably those of us who are more naive in the process.

One thing that we did agree on is that comment fields should be added to each section where comments are appropriate. I mean, you probably do not need comments on your address.

In the Canadian form, which we got a copy of the other day, they do have an optional comment field in each of the data sections. Those fields are limited in the number of lines and the number of characters I believe that you can put in them. So that it can possibly sometime in the future be picked up by the computer database. We recognize that may not be picked up right away, but perhaps some day in the future that could happen. So we would like to have comments on the sections where comments are appropriate, probably sections five through eight realistically.

Then a final one is, overall, when we have code boxes where really only one code letter is appropriate, that code letter should be in the code box already. I think that it is on some of the M codes. Tom, help me on this.

MR. NATAN: On the source reduction activities and the way they are identified have two different code letters. So put a W in the box for source reduction activities and put a T in the box for the other identified. That will make life easier. Do not put the wrong codes. A lot of people put the wrong codes.

MS. SULLIVAN: So that is kind of our overall suggestion.

Then we went section by section. The first section that we had thoughts on was section five. Our statement here is that we agree that some types of land disposal should be separated out on the form.

Now, how that is done, what they are called there is controversy about. But some types of land disposal should be separated.

MR. ORUM: For what purpose?

MS. SULLIVAN: In order to more accurately represent what is happening to it.

MR. ORUM: What do you mean by separate it?

MS. SULLIVAN: Well, we are -- you know, again, this is something -- this is an umbrella statement under which there is disagreement. This is what we can agree on. I think that the idea gets back to the folks who want to have underground injection and some other -- record C landfills under managed disposal or something like that. And then you would have your releases -- more direct releases from those in another category. But we did not agree on any of those words.

And then we agreed that other land disposal -- there is currently this kind of lumped in category. We agreed that it would be helpful to have codes where if you put something in other land disposal and it is slag you put code S or waste rock you put code WR, you know, something like that so that you can kind of delineate what those other land disposals are.

MR. NATAN: And the amounts.

MS. SULLIVAN: Yes, and the amounts.

PARTICIPANT: We need other mikes.

MS. SULLIVAN: Number six. All right. Probably the first thing really is really the second thing listed here. It is the first thing in terms of previous controversy. We did not think that people should report the treatment efficiency of offsite facilities.

PARTICIPANT: On form R?

MS. SULLIVAN: On form R, that is correct.

And kind of going along with that, we are going to come back to the first one. But going along with that we feel that in order to try to get that information out there in the public that each POTW or other offsite waste treatment facility should have to put their treatment efficiency for each chemical on their NPDES permit -- probably on their permit application form. And then it could be pulled from that by EPA to the PDR or some other thing that could be tracked with TRI.

Going back to the first one. We see that in section 6.2 you have to put the amount sent to various waste treatment facilities. We think that if you send to more than one POTW that same sort of thing should apply to section 6.1.

Going on down toward the bottom. We feel that there

is currently an M code. I think for offsite transfers it is M what, 177 or something for all underground injection?

PARTICIPANT: 71.

MS. SULLIVAN: M71. Okay. Sorry. I am dyslexic when I am -- but the M71 we feel should be broken out into class one and then class two through five wells if you send it offsite to a UIC. This would be consistent with Section five. Okay?

PARTICIPANT: Would you be able to calculate group class four?

MS. SULLIVAN: Okay.

And then finally we put on the form the RCRA ID of the receiving facility. In order to facilitate data analysis it would be easier if the TRI facility ID number of the receiving facility were also put on the form.

MR. ECK: And I guess realizing that for a lot of new facilities they will not have a facility number the first time around, but they certainly will the second time.

MS. SULLIVAN: Yes. Okay.

Section seven. Yes.

MR. SKERNOLIS: Right now that would simply be other -- that last item on section six would be a clarifying section -- that would be for other facilities that are already reporting.

MS. SULLIVAN: Right.

MR. SKERNOLIS: I know that there -- [comment off microphone] -- that have to be reported there as a TRI ID number of the sister facility.

MS. SULLIVAN: Yes. I mean, you report that.

MR. SKERNOLIS: And for offsite facilities right now, we only do commercial -- [comment off microphone].

MS. SULLIVAN: Right. But then when they get an TRI ID then you put that there next to the name.

Section seven. Okay. The first and the third one go together here.

If you look at column B in section seven, that is there you list the treatment chain so to speak. There were comments that this can end up having as many as 12 to 16 different treatment steps for one waste stream. To try to consolidate that somehow, either have an overall treatment code, try to maybe -- I do not know, maybe EPA could find some common waste treatment chains and make them all one or only put the codes for the treatment steps that actually result in treatment of that chemical.

PARTICIPANT: Or release of that chemical.

MS. SULLIVAN: Or release.

PARTICIPANT: If you are incinerating metals and it ends up releasing metals, then -- [comment off microphone].

MS. SULLIVAN: The incineration does not destroy the metals but it does impact the waste stream prior to release. That would be there also. The idea is to kind of simplify that perhaps in some cases is a very long chain of treatment.

PARTICIPANT: Vicki, on this one, the other thing we talked about was listing the overall treatment efficiency of the chain rather than of each individual step.

MS. SULLIVAN: Yes.

PARTICIPANT: We think that would be a large burden

reduction.

MS. SULLIVAN: Okay. I thought that the overall treatment efficiency of the chain was listed now. I do not feel -- [comment off microphone].

PARTICIPANT: We just list one.

MS. SULLIVAN: Okay. You just list one. Okay. All right.

And then the other suggestion we have on section seven is column C. That is the effluent concentration. We looked in the Act and we did not see that this was something that was required. We do not know historically how that got in there. We felt that from a burden reduction standpoint that would be something that is not required as far as we could tell and could be eliminated. It is kind of a pain to try to figure out. Okay?

Section eight. Okay. This kind of goes to some of the presentations from yesterday where people were talking about doing various things with section eight with respect to onsite and offsite, whether you send it onsite or offsite, or you get it from offsite or onsite. So this is kind of where we are coming from here.

The first one would be break 8.1 into release or disposal offsite, release or disposal onsite. Now, you would have to -- if you send it offsite and it is released into the environment, you put that in 8.1 and it is not delineated out. Here we would delineate those quantities out.

PARTICIPANT: Why?

MS. SULLIVAN: In order to make it clear what is really happening to it.

PARTICIPANT: Does part of that section eight match up with the other parts of the form?

MS. SULLIVAN: Yes. They fit within that. Thank you. Yes. Within it you could have what comes from section five and the onsite what comes from section six, the offsite [sic]. So that would make it easier. And I think it would tell -- I do not know, but it seems to me that it would tell the public more about what is really happening at that facility.

We would rename section 8.7 to transfer it offsite for treatment rather than what it is currently named now which slips my mind.

PARTICIPANT: Treated offsite.

MS. SULLIVAN: Treated offsite. Yes. I guess that this gets to the idea that if it is sent offsite for treatment, maybe it is not all treatment.

PARTICIPANT: Do you extend that to transfer it offsite for recovery -- transfer it offsite for energy recovery and transfer it offsite for recycling?

MS. SULLIVAN: Sure.

PARTICIPANT: Same concept?

MS. SULLIVAN: Same concept. The concept is that you send it offsite for that. But whether that happens or not is not within your control really except contractually I suppose we try to control it.

Okay. Then we are talking about problem onsite or offsite now. We would take the concept that was discussed yesterday and add 8.1 to 8.7 as is currently now those numbers

and break it up into what came from onsite and what came from offsite that you are dealing with. We did not put labels on these. We figured that that could come later.

Finally, the idea from yesterday afternoon that we thought was really good was putting these codes when we have a change in the amount of something that you are handling, having these codes that would explain, you know, is this a production increase, is this chemical substitution or whatever. So we would have that list of codes that Tom went over.

PARTICIPANT: Any and all changes?

PARTICIPANT: Changes to the quantity that would -- the quantity of -- the sum of 8.1 through 8.7 that was generated onsite.

MS. SULLIVAN: Yes. Maybe onsite.

PARTICIPANT: You can -- if it does not -- if it changes more than a certain percent, you might have to go ahead and do that. Or it could not change at all but there could be two different things going on. There are two different schools of thought on that.

PARTICIPANT: I did not know if you meant also changes like between release, between recycling and treatment from years -- you only have the total from year to year?

PARTICIPANT: Right. You should be able to pick that up anyway by looking year to year.

MS. SULLIVAN: Data onsite, right? We should clarify that. It would not be like how much you would get.

Okay. That is what we have. Are there any other questions?

[No response.]

MS. FILE: Okay. No clarifications on this one? Are we ready to move on to group two?

[No response.]

MS. FILE: Are we ready to move on to group two?

PARTICIPANT: Please do.

MS. FILE: Okay. Group two come on up.

PARTICIPANT: Can I ask one quick question?

MS. FILE: May I ask people to speak into the mikes.

[Simultaneous discussion off the record.]

[Phone ringing.]

[Simultaneous discussion off the record.]

MS. FILE: Each group will have up to half an hour to present what they came up with and to field questions and clarifications. At the end of the day we will go back and say what can we get consensus on. So we may put them up again or ask you if you remember something. If this is something that clearly everybody buys into we will start with that.

The idea is not to clarify it then though.

MR. SKERNOLIS: On your recommendations for item seven, section seven, streamlining I guess, it seems to me that these recommendations not only require changing some of the boxes, they require changing the point of this whole section, almost changing the identifying point of what this section is about and moving towards constituent treatment as opposed to waste treatment. Does that clarify it?

MS. SULLIVAN: That is I think what we are getting to. I cannot speak to what EPA really intends with this section now. Do you all intend it to be stream treatment, waste

stream treatment? I do not know.

MS. FILE: I think that Maria needs to answer that question.

MR. SKERNOLIS: I was just asking if that was the intent was to change the whole -- [comment off microphone]?

MS. SULLIVAN: Well, I am not sure.

MR. SKERNOLIS: It is already chemical-specific.

MS. SULLIVAN: It is a chemical-specific form.

MR. ECK: Maybe Tom could get to this. There are some treatment steps which have no impact on the chemical. They are, in fact, a part of the waste treatment, but they have no impact on the chemicals. So, as a matter of reality check or burden reduction, let's speak to the treatment of the chemical rather than the incidental steps in the process.

MS. SULLIVAN: Yes. That is the idea, to focus on the chemical.

Now, of course, I have not done form R's before so I do not know if that is the current focus or not. I will have to hear from you all or EPA on that.

MR. LATTIMER: The section is entitled waste treatment methods and efficiencies. So I think that the idea of why it was in the act was to collect information on what types of waste treatment are occurring for particular chemicals. So the idea here is to not be as detailed. In other words, if your overall goal is to incinerate the chemical in the waste treatment chain, just report the incineration code instead of having possibly eight or 10 pre-treatment steps that occur along the way. So that is where the consolidation of column B will come in.

MS. SULLIVAN: Maria, did Michelle tell you the questions?

MS. DOA: Of section seven?

MS. SULLIVAN: Yes.

MS. DOA: What she said -- section 7A now is the one part of the form that we can look at what happens to the waste stream and not to the toxic chemicals. So that is where you would report all of the treatment codes even if it does not affect the chemical. Like if you have a chemical that is not affected by neutralization, but you neutralize the waste stream, you would have to report that.

MS. SULLIVAN: Okay. So that is something in concept that you all are wedded to on that section?

MS. DOA: Well, I think that it is something that is statutory.

MS. SULLIVAN: Okay.

MS. DOA: Yes.

MS. SULLIVAN: All right. So that recommendation may have to be tempered by that.

MS. DOA: Right. For this year's reporting package, 7A I think is a big point of confusion for everyone. I put in a paragraph this year that says -- basically, the rest of the form is chemical-specific. The law stipulates that for section 7A it is the waste stream. So, hopefully that will help some.

MS. SULLIVAN: Okay. Thanks. Are there other clarifications on our recommendations?

[No response.]

MS. SULLIVAN: Okay. Thanks. Thank you.

Agenda Item: Group Two

MR. FEES: Okay. Group two. Dave Jacobs, myself, Paul, Mike Brinker, Grant, and Cory. I apologize that we do not have overheads. We were a very deliberative, one might consider slow group.

[Laughter.]

MR. FEES: But we had come to some discrete, succinct statements. I am going to read them off. Maybe if you have questions or concerns, take each statement at a time since you will not be able to re-reflect it and look at it. We are going to be putting them into the computer later on.

PARTICIPANT: Would it be helpful to try to capture the essence of it up here?

MR. FEES: Some of them are only a couple of lines and some are longer because of the discussion that we had. So I am going to read it out and you can take a few things out of it.

We started with section five and kind of worked up. The first statement is differentiation of disposal methods for section 5.5 and section 6.2 using boxes and codes. Examples include the slag land placement, offsite, underground injection wells, and subtitle B landfills. EPA should conduct their review to determine other differentiations other than those examples that we supplied. If more than a few new distinctions are developed, we feel that it would be more appropriate to use codes rather than boxes in section 5.5. So that is the idea there. Juxtaposed to that concept of differentiation of land disposal, that is really where we are having the disagreements or the need for clarification. Juxtaposed to that is really the second recommendation we have which really is not a recommendation. In terms of dividing onsite releases to the environment into ambient releases and releases to land disposal, the criteria to make that distinction could not be agreed to.

So, essentially, our group could not come to agreement to having two discrete lumps. So all we could do was say further differentiate what section 5.5 is about and tacking on to that, you can do similar differentiation in 6.2. I heard that from group one. Group one had that. So that is a concept.

So the first concept was essentially section five.

MR. SKERNOLIS: I thought I heard you say two different things. I thought that I heard you say that you could not agree on how to make the differentiation. And then I thought that I heard you say you could not agree on what differentiation should not be.

MR. FEES: We could not agree on dividing into two groups the concepts of ambient releases on the one hand and releases to onsite disposal on the other hand.

MR. SKERNOLIS: I wondered what the nomenclature is.

MR. FEES: Well, it is the criteria to develop that. If you are going to have two groups, everything that would fall under onsite releases had to fall into one of those two groups.

What we did was each of us said what would our criteria be. And I said my criteria, and then Paul said, well,

what about land application form -- land application form? And I was like, well, my criteria made it -- it did not fit. And Cory presented criteria and his was different than mine and so that is why we could not come to agreement, and we could not come to agreement on certain line items and where they would fall on one side or the other. So to develop those two categories, you have to draw lines somewhere, and we could not do that. So we just thought make differentiation in land, land disposal by listing out more things so that you can know better where the land disposal, where the material is going in land disposal, whether it is a slag pile placement, or whether it is subtitle D, landfill, or others. We did not even exhaust that as a possibility. We wanted the EPA to look at what these other differentiations could be. If it is lengthy enough, codes would be more appropriate than adding more boxes to 5.5.

Are there any other questions on that?

MR. CHAMBERLAIN: I heard you say that you could not reach a decision on the criteria for devising onsite releases to ambient environment in land disposal. I also heard, on the other side of the coin, that if there is differentiation of disposal methods in section 5.5 and 6.2 that you should use boxes and codes to describe that. Help me with that. I do not understand.

MR. FEES: You mean what boxes and codes?

MR. CHAMBERLAIN: Creatively what sort of boxes and codes.

MR. FEES: Well, boxes would be just another line item. Like you have 5.5.1, 5.5.2, 5.5.3. You just add a couple of more, 5.5.6. And the last one, of course, would be that other disposal. Now, if you get more than just a couple of new ones there, it just gets so unwieldy that maybe it is better to have some kind of catch-all, I guess, like the other disposal, but then have a code box that you could put in the code from a pick list of four or 10, or whatever could be developed as differentiations there. And then we also thought that that could be applied to section 6.2 also, some more differentiation. Like I said, I heard that from group one. Does that explain it, the idea of the boxes as opposed to code?

MR. NATAN: The idea is that they did not agree on if you were going to have two different labels, if you were going to break all of section five into two parts that would be aggregated for the data release or the proper form, you would still -- whether or not you were going to do that, you would still need these additional pieces of information. Because, if they decide they are going -- if EPA decides they are going to do that, they still need to break that other disposal category into more specific amounts.

MR. FEES: I think that our group would probably agree with that statement.

MR. SKERNOLIS: I want to ask a follow-up question. What is the cumulative set of land disposal activities called?

MR. FEES: No change whatever.

MR. ORUM: We could not agree on --

MR. FEES: Disposal for land onsite. 5.5 is the heading.

MR. BROMLEY: There are two different camps differ-

entiating between land disposal versus emissions and discharges and the difference between them.

MR. CHAMBERLAIN: Would you add a box in terms of your categorization or code that would indicate an emission or a discharge?

MR. FEES: From?

MR. CHAMBERLAIN: The categories under 5.5 now?

MR. FEES: You mean like placing materials in the subtitle C landfill and then some of that amount, either putative emissions or -- we talked about.

MR. CHAMBERLAIN: You did not reach a resolution?

MR. FEES: We did not reach a resolution to it. Because we talked about that in the context of having the two main categories, ambient releases and releases to land of land disposal options. It was in there, since we did not come to that agreement we sort of dropped it and it never got worked into our recommendations.

MR. CHAMBERLAIN: There are some other issues such as what triggers thresholds and things that we just did not come to a resolution on.

MR. FEES: I think that was a worthy topic to discuss, but we could not come to anything that we could even print out on paper. I will leave it to other groups to maybe come to some resolution on it. There are questions on that item.

The next one deals with POTWs, section 6.1, or POTWs and has ramifications in section 6.1 as well as section eight. Have EPA develop a look-up table of treatment efficiencies for different types of POTWs. As examples we have secondary and tertiary treatment systems for each chemical, chemical specific, that can be used by facilities that send TRI chemicals in waste to POTWs. These facilities should put that information in 6.1 and then separate the amounts between 8.1 and 8.7 based on that efficiency.

In addition, the EPA should revisit the language of the certification statement since the concept of using a treatment efficiency of an offsite facility warrants re-looking at that language. So that is the POTW issue in a nutshell.

MS. FILE: [Comment off microphone.]

MR. FEES: Section 8.1 and 8.7. Are there any questions about that?

MR. SKERNOLIS: You are separating the POTW portion of 8.7?

MR. FEES: Separating the POTW amount that is in 6.1 that is in A, the total that goes to POTW now. Parse that out into 8.1 and 8.7.

MR. SKERNOLIS: [Comment off microphone.]

MR. FEES: Yes, right.

MR. SKERNOLIS: You are only going to do part of that?

MR. FEES: Right. Part of that.

MR. SKERNOLIS: You are not asking for a separate -- [comment off microphone]?

MR. FEES: No. Just one note. There is no new data element to be added. It is just a matter of using the percentage from these look-up tables and parsing out the informa-

tion from section 6.1 into 8.1 and 8.7, which is really no new ground. I mean, that had been discussed. The newest concept is the idea that EPA needs to develop these tables and that possibly just having one treatment efficiency per chemical might be a little too general -- understand that there is some difference in POTWs. We use the example of tertiary treatment to secondary treatment. But, you know, there could be other distinctions, and not going wild and crazy, but having at least a few categories there.

MR. CHAMBERLAIN: So, as a generator, what you are saying is that the stuff that I send to a POTW or to Ed as an offsite treatment facility under 8.1 quantity released there would be quantity released onsite and offsite and I would be responsible for certifying for the amount released offsite? But, again, that number is based on -- I could determine that number based on the look-up tables that are provided, A, and, B, I would have some degree of confidence in the ability to make a decision to record that based on a re-look at the certification language.

MR. FEES: That is correct.

MR. CHAMBERLAIN: Is that right?

MR. FEES: That is correct. The only thing that I would take exception to in your statement is that we really were looking at POTW. I did not think that we in our group extended it to the section 6.2, facilities.

MR. CHAMBERLAIN: Oh, okay.

MR. FEES: We just did not get to it. I do not even know what the other members of our group feel on 6.2. We just came to some agreement on 6.1, POTWs specifically. Okay.

MS. FASSINGER: So, my understanding is that you would basically not change anything in 6.1 but similar to what we are doing now with metals, you would provide us with a table.

MR. FEES: Yes.

MS. FASSINGER: And, as the number is more or less transferred from, no pun intended, 6.1 to 8.1 and 8.7, it would be split out according to that table?

MR. FEES: Yes.

MS. FASSINGER: Do you have knowledge of your local POTW? Would we be able to vary from that or would there be --

MR. FEES: I think that we did talk about that concept.

MS. FASSINGER: -- what about a generic?

MR. FEES: Yes, we talked about that concept, but it did not -- it was sort of in the certification statement. I think that Cory had mentioned something to the effect that you certifying this form or you using this EPA look-up -- you are using EPA's look-up table and that the onus on the quality of the information is on EPA for that table unless you have more specific better information. It did not come -- that language did not actually get in our recommendation. We did discuss that. Yes, if you had better information you would provide it. You would use that to break out events.

MR. SKERNOLIS: I have a general question about people who are looking for -- [comment off microphone] -- treatment efficiencies on POTWs. We are talking about I would imagine only a handful of the 600-plus constituents that you

would have on -- [comment off microphone]. They would be more in families or categories --

MR. FEES: Chemical specific compounds probably a handful, and then you would be looking at families.

MR. SKERNOLIS: Okay. And does everybody understand that supporting these notions -- understand that distinction?

MR. STEIDEL: I did not understand that to be the case. I presumed it would list it for each specific chemical even if it was derived from a family.

PARTICIPANT: You would list it, but your derivation may come from the family of chemicals. As long as it is chemical specific.

MR. STEIDEL: Yes. It would be listed chemically-specific. But, as far as the actual calculation of efficiency, it may not be for compound A. It may be for compound C and D that were on the same category as compound -- [comment off microphone].

PARTICIPANT: Are you awake this morning.

MR. FEES: Any other questions?

PARTICIPANT: It is a catastrophic spill.

[Laughter.]

PARTICIPANT: It is not a managed disposal.

[Laughter.]

MR. FEES: Any other questions with regard to that 6.1 and POTW?

[Laughter.]

[No response.]

PARTICIPANT: There is this funny bridge in the table here. I am -- [comment off microphone].

[Discussion off record.]

[Laughter.]

PARTICIPANT: That is not reportable.

MR. FEES: Okay. All of the rest of the items are shorter and more straight-forward so we should not have -- I won't say that we should not have problems.

Number four. We agree with adding the three new data elements in section eight per group one pending final changes to definitions. So we kind of stuck with that concept of the definition.

We agree with adding the three new data elements in section eight. That is total waste managed, the amount generated onsite, the amount received from offsite, pending final changes to definitions.

MR. ORUM: That was yesterday's group one not --

MR. FEES: That is right, yesterday's group one.

PARTICIPANT: Yes.

MR. FEES: Yes. Pending final changes to the definition. Our group recognized that those definitions have an impact on this but we would like to see the new data elements go ahead if they add something to the information. Okay. Any questions on that?

[No response.]

MR. FEES: Number five. We agree with providing a checklist of reasons why TRI section eight data change from year to year as per yesterday's group four. Today's group one I believe supported that and we do also.

Any questions on that?

[No response.]

MR. FEES: Number six. We support as a big vision furthering facility ID and one-step reporting. We wanted to bring -- re-hash, but bring up, again, Joan's spread sheet that she presented. We felt that this was a good starting point for furthering this discussion. We did not want to lose that. We had not talked about that for awhile.

Some of the short-comings that we talk about in TRI and some of these things that we cannot even come to agreement on sometimes is because of some of the inherent short-comings of the system, facility ID, one-step reporting, things like spreadsheet, going across programs can address some of these things and maybe turn around some of these issues where we can come to an agreement on. So we would like to see that carried forward at some time.

Any thoughts on that?

[No response.]

MR. FEES: Okay. Last one. Some more further developing items. We agree with further developing a use index or Rick, a.k.a. -- [comment off microphone] -- and further explore a comment field per section. I heard that from group one already. There are really actually two concepts there.

Further developing the use index. As a group we felt that it was a good idea. It had some good merit. We did not see at first blush the things that were really shooting it down. It was so new in the discussion that we did not want to say let's add it. We are further developing it. Maybe we will think about it more and see if we can shoot it down.

[Laughter.]

MR. FEES: We will see if it will stand up to the group need that this group has done on a lot of other issues. So, sorry, Rick. The point is that it is a worthy idea. So we will take that forward.

And the idea of adding a comment field per section, similar to the Canadian report could be helpful. We understand and recognize the concept of comment fields being placed in databases to make it difficult. That is why we talk about further exploring because we did not really think out how that could be done.

That is it. Any comments or ideas on these last two items?

MR. CHAMBERLAIN: I guess more general, in terms of the use index that Rick was describing yesterday and to tie it back into Tom's original proposal, item A of that proposal was that the EPA should expand it to discuss different PR/AI calculation methods which I think includes Rick's option. I want to make sure that that recommendation is that there is flexibility and we are not saying that Rick's is the one, but basically that item A, in terms of flexibility and guidance for production or use index or whatever, activity indexes is the concept that you are proposing.

MR. FEES: Were you referring to EPA, us as in the committee sending to EPA various sort of options for them to choose or for them to put in the form R instruction, in the form R various options for the facilities to choose? Which are you asking for here?

MR. CHAMBERLAIN: I am trying to clarify that the

group concurred with Tom's groups proposal yesterday in terms of not focusing on a specific production index, or activity index, or use index, but focus on that, yes, it should be provide and, yes, there are various options to consider, and that, as their group proposed yesterday, that EPA would provide guidance on the different methods and calculations.

MR. FEES: The production index is not a use index.

MR. CHAMBERLAIN: I know.

MR. FEES: So you could not -- you suggest that they would be on the form and that a facility could choose between one or the other?

MR. ORUM: I think that we discussed the use index in the context of these other production --

MR. FEES: Right. Not to use index and trash production index.

MR. CHAMBERLAIN: Right.

MR. FEES: Is that what you were thinking?

MR. CHAMBERLAIN: What are you saying? Is your group saying that use index is the indicator parameter that we ought to add? Are you saying that it is a subset of all of the other potential ways to calculate productivity, or activity, or use?

MR. FEES: It is an additional item. That is essentially how Rick presented it. He had the production index which was already there. He had this waste index. That is information that is already there. It was just explore that use index to be added to. Does that clarify what our recommendation is? Does that clarify what our recommendation is?

MR. CHAMBERLAIN: State that again, please, one more time. Your recommendation is what -- to further develop the use index?

MR. FEES: To further develop the use index per --

MR. ECK: As a separate item.

MR. FEES: Yes, right. We did not say that. We just said per Rick's presentation because the way he presented it he sort of added it as an additional index.

MR. REIBSTEIN: The idea that it may be the same as the production ratio. That is what is confusing.

PARTICIPANT: Right. That is what is confusing me.

MR. REIBSTEIN: Yes. That is also on the table as an option for when it is appropriate to use as production ratios. But that is only in a certain number of cases. The proposal was as you stated.

MR. FEES: Right. Then in that case they would call it a production ratio.

PARTICIPANT: They have the same number for both.

PARTICIPANT: They use the same number for both.

PARTICIPANT: The proposal as you stated with just this additional feature.

MR. CHAMBERLAIN: But you are not proposing that as a mandatory subset to the form R. It is still an optional line that you could use. It may not be -- you may not be able to use it in every circumstance for every production facility. Is that right?

MR. REIBSTEIN: My proposal yesterday was actually that it be considered as mandatory. But that does not mean that there might not be exemptions or there might not be, you

know, that there might not be ways to deal with it when it is inappropriate, that there might not be those situations. I think that David is picking up on that idea by saying further explore that.

PARTICIPANT: We liked the concepts. We thought that it had merit, but the limitations or the situations where it is not useful has not been discussed further. We have not had a chance to. His presentation was yesterday. So that is all that has been put on it.

PARTICIPANT: We have to run it through some results.

PARTICIPANT: Right. Like we said earlier, we have not had enough time to shoot it down.

MR. FEES: Yes. I was just going to add too that we really are -- I think that the general discussion in our group was this idea of a production index, as you described, defining where the people self-define the production had some -- certainly some real fascination to us and something that could -- you know, maybe could be useful. It might turn out that it is very difficult to do but it is something that clearly needs -- merits a lot more -- merits more exploration.

MR. REIBSTEIN: That was another part of group four's recommendations yesterday, having to do with better improvements in how the production ratio is determined, you know, the unit of product fits into that.

MR. FEES: Better guidance.

MR. REIBSTEIN: Right. I mean, that was the bulk of group four's recommendations yesterday. That is another issue.

MR. FEES: John.

MR. STONE: We have been putting an awful lot of onus on EPA. For once I am going to defend them nicely here I think. In their guidance document we do not want everything there. The New Jersey method of the PIAI is very good. What we are saying I think I have heard is, well, there are a lot of other ones out there. We would like those all in the guidance document. I do not think that you can do that. Because each industry group is going to have their own indexes just like we all have different emission factors for different chemicals that we report in other sections. The foundry industry certainly reports emissions of methanol differently than some other chemical industry. We have developed these emission factors based on real data. I think that it is the same thing here. You can just say you can use a performance index, you can use the New Jersey, or you can use whatever to the best of your knowledge fits what you are doing and just leave it broadly that way. You can just pick whatever method you want to use.

MR. FEES: From a practical standpoint, the EPA is only going to be able to put so much in the formal instruction book. I alluded to a possible second guidance document.

There is also the industry-specific guidance document which when updated could include something like this in there. I do not know. This is that further exploring thing. We have not really come to any hard and fast solution. But there are some good suggestions for EPA to pursue.

Sam?

MR. CHAMBERLAIN: One comment to that, John. As I recall in our discussions -- I think that Tom might have brought it up in terms of when he tried to standardize some of those numbers, there was such a great degree of variability that it would have been helpful if EPA would have at least put some sort of standard guidelines on how to calculate those numbers at least something basic that the reporters could look at and get some sense of how to proceed. That is what I was referring to.

MR. LATTIMER: The only comment I had is that as a reporter, especially in the early years, a lot of times we had no clue in the common case situations how to do that calculation. Just knowing about the New Jersey method gives you something else to look at. So a compilation of suggested methods would be very helpful.

MR. FEES: Okay. Does that wrap-up for two? So far we are 10 -- are we 10 minutes ahead?

MS. FILE: We are. Okay, we need you to come -- if you are done, we need you to come back from lunch at 1:00. We are going to start at 1:00 with group three. This is not 1:30, 1:00 please.

[Whereupon, at 11:48 a.m. the meeting was recessed for lunch, to reconvene at 1:00 p.m. this same day.]

A F T E R N O O N S E S S I O N [1:00 p.m.]

Agenda Item: Group Three

MS. FERGUSON: Are there any conceptual ideas that you want to talk about first before we got into the specifics of our group?

[No response.]

MS. FERGUSON: Our members were Wilma, Ken, Sam, Ed, myself, Andy. He will be up in a minute. That is who worked in our area.

One of the first things that we talked about is to the extent that we can, we would like the form to be easy to use and to try to make minimal changes, change it as little as possible.

Item two. We wanted to consider the impact of those changes not just from the vocal folks we hear about but for all of the industry who are now pulled into the reporting. Very often we find that we are changing the form for five percent of the reporters and really messing with the other 95 percent of the reporters. So, keep in mind that the changes that we are talking about go beyond -- have quite a diversity of different -- [comment off microphone] -- these days.

We wanted to specifically minimize the data and structural changes to keep the data elements consistent to the extent that we can to provide for a year-to-year analysis, continuity to the users, not only in training but in some of the software packages and things that we could pick up.

We are going to start with some of the consensus items that we heard yesterday. We all agreed, for example, that having the reasons codes in boxes -- let's just go ahead and do that for the productivity activity ratios item, the flexible guidance and then why things have changed from year-to-year.

We have got some concern with respect to some of the reporting that is currently going on. Andy, in particular, if

you have questions on this, he has written up some things that he -- [comment off microphone] -- where folks are not picking up the reporting that they should be doing in the areas that they should be doing. So some additional guidance in this area I think is warranted.

This is probably one of the most significant things that we would want to think about. In the areas where we are reporting we need to look to the other environmental data and see if there are common data elements/units that we can report for these items and then allow for a roll-up summary. I think that our vision is if the one-stop project comes off we have a totally different reporting structure and we cannot get there today. But, as we change form R we can make accommodations to an integrated project that will make that integrated project easier. And that -- [comment off microphone] -- work up front with the other media offices, what units they are using to report air emissions, water emissions, and the idea that you can create a spreadsheet with the existing form to roll these -- when you add these two data elements, will they automatically scroll up and roll up for the user to make it easier to use to minimize the errors in the report too. So I think that there are some fundamental things that we talk about that may be a little bit different.

Finally, the use it or lose it. There is a reporting requirement to Congress on the efficiency of reporting. I know that EPA has already done the 1991 report. But the concept here is let's really assess whether the information collection advances are purposes of the statute. In that report to Congress, tell them what information is being used, how it is being used, and whether or not and what is the public understanding of that information.

I think that this is the first step towards potential statutory change. If there are elements in the statute that are not leading to advancing, inclusion, prevention, or other goals, it would be an opportunity to identify them.

Again, if you are spending a lot of time and money to collect information, you are not using, there has to be a reason, so you need to structure it so that you focus on those data that are really important.

Finally, as an overall concept, we want to make it clear, use terms, names, descriptors that not only the expert understands but that has meaning for the common citizen in terms of actually looking at and reading through the form.

More specific recommendations for changing the form. We actually liked quite a bit of the draft, March 18th, 1998, proposed Form R redesign that stands out to the group as part of some folks who have been thinking about how you would put together some of the conflicts we have talked about of being able to distinguish between emissions and discharges for -- [comment off microphone] -- from disposal. Some of the things that we like about that -- the reason we like it is that it did segregate disposal and emissions and discharges to assist the public understanding and it picks up failures from those managed units. Those are our new items that -- [comment off microphone].

When we do the change and consider adding the distinctions between disposal and other options we need to use

codes and boxes wherever possible, again, to make it easy to fill out. We also like the idea of adding the facility comment sections -- comments, where appropriate, to the sections of qualified information to provide an understanding of the information.

Again, use those data elements common to other environmental reporting programs. Specifically explore in this new proposal four, five, seven, and eight what items we can pull in common from the other media. The idea is ultimately if you could have a system where your air emission data goes into a reporting system that picks up for air and for TRI at the same time as appropriate that that would be the ideal construct to head for. And we might be able to do some things here to set up the process to get us there easier later.

In section six we would add treatment efficiencies. In the new section four, we are not sure how to number it. In the new section 5.9 under this form they would roll-up totals in any subsections and then the spread sheet would carry these values over to their corresponding 8.1 and 8.1 values in the redesigned form. So you are subtotalling under the sections and the user does not have to worry about translating this over to the section eight. They are going to go over automatically.

MR. ECK: This would be in the -- as a point of clarification, you are talking about the paper form. They would total it up themselves on the paper form and then reenter it on section eight?

MS. FERGUSON: That total on 5.9 if you were doing it on paper you would pick up and put it in the corresponding box in section eight. If you were doing it electronically on a spreadsheet format, the spreadsheet would automatically do it for you.

Our concept is that EPA would work out a spreadsheet format for the user to be able to use.

MR. GEISER: One other thing on that. The idea would be that you might say 5.9 but it would also be slash with incongruencies 8.7 or something like so it is very clear.

MS. DOA: Do you also want to include -- 5.9 would include parts of 6.2 that go on that?

MS. FERGUSON: I think that we would show you the redesign -- we are working off not your existing form but the proposal for redesign, this one that we would leave with you, in terms of how this -- [comment off microphone].

The other thing about those is you will notice in the headers that all of these are subject to TRI. We use the descriptor of what they are in the leaders to have a common understanding of those terms. So the section on emissions and discharges of toxic chemicals is entitled that. The section on managed disposal of the toxic chemical is entitled that. So you are clear about what section of the form you are doing for what group.

MR. NATAN: One comment though. The section five releases include catastrophic and remedial releases that do not yet include it in section 8.1. So just as an editorial comment, that is not really practicable unless they are already broken out in section five.

MS. FERGUSON: I think in our redesigned form we

envision that as being in a new number in the section eight only.

MR. COMAI: This section eight does not refer to the section 8.8. The new section 8.8 is not the 8.8 that -- [comment off microphone].

[Simultaneous discussion off the record.]

MR. NATAN: I understand. You have got that right.

MR. CHAMBERLAIN: 8.10.

MR. ECK: So there is no breakout of catastrophic releases by media in your redesign?

MR. STONE: In the redesign of the 8.10. It would not show up in five.

MR. ECK: So there is no breakout by media of catastrophic in the redesign? I do not know whether they are going to air, water, or land. At this point in my catastrophic I am in section five. So I can see if they are air, or water, or land.

MS. FERGUSON: We will flag it as something to come back to.

PARTICIPANT: It is a yes or no question.

MR. COMAI: There needs to be a rolled-up catastrophic release number.

MS. FERGUSON: In the other sections. We did not go through that, sorry.

MR. ECK: It was just a question.

MS. FERGUSON: In section six we would add to the deficiency for offsite and in the guidance you would tell folks if you have actual information on what the efficiency is use your actual information. If you model it, use your model. If you are engineering -- [comment off microphone] -- or you can look to the EPA for a provided look-up table for those efficiencies. And then those values would also roll-up into the redesign in section eight. Section eight basically will break things into onsite/offsite by each of the treatment, disposal, recycle, disposal categories later.

That same kind of approach to the sources of information or treatment efficiencies could be used in section seven. That is to say that if you want people to use the actual data where they have it and have measured it, or models where they have that and could do that. But the look-up tables, to the extent that they provide the best engineering judgment would be available for those folks who do not have actual data or have not modeled it as well.

To do the treatment efficiency we -- well, even under the current form it is advisable we believe to go back and revisit your certification language. I think that some of the other groups have brought them up too to deal with the -- to accommodate the liability concerns that have been raised by some folks.

And then other amendments to the handout. I think that one of the other groups had a concern about the language. I think that they used transfer to offsite -- [comment off microphone] -- quantity. We can retitle those sections. Quantity sent offsite for -- and then, you know, it will have a section on energy recovery, sent offsite for treatment, and managed disposal as appropriate. That language would be easier to certify and would be clear in terms of what you are

talking about to the person who is filling out the form.

We would add a box like we talked about the information on changes from a prior use of codes.

And then under this redesigned section eight it has a general comment for I think additional information on source reduction, recycling, or pollution control activities. That is the current 8.11. We would add to that an option to include quantity of virgin material replaced by recycling. This may not be a fix for the recycling issue but it helps focus in on what that is for a facility and would be an option there.

I rushed through those it seemed like. But you have heard some of the ideas earlier.

MS. DOA: I just have a clarification question. I did not understand the -- [comment off microphone]. I do not have Sam's thing in front of me. You would not exclude the disposal in 6.2 from 8.1 would you? Thank you.

MS. FERGUSON: No. They would be -- [comment off microphone]. I think that we envision a redesigned section eight. Instead of rolling up collectively to one value, it would correspond to a specific item in section eight. Does that help?

MS. DOA: Okay. Now I understand. Thanks. Yes.

MR. GEISER: Also, the theme of this is to use section eight more as a summary section that does roll-up -- [comment off microphone].

MS. FERGUSON: And it may be -- our thought too is that if we could work out things with the other environmental media, you might be able to totally eliminate section seven and use other environmental reporting to get that information and to carry it forward. So, ultimately, the vision would be to the extent you can replace the data gathering with some of these other existing environmental systems, that would all fall together and you would not need the duplicative information going -- one report going in for TRI, another report going in for air, another report going in for NPDES, another report going in for waste.

Section seven, of course, because it deals with waste stream is still a little different. There may be other options to go with that later too.

MR. REIBSTEIN: On that last bit with the virgin material replaced by recycled. Since I do not know what the total use figures are, I do not know how to assess if you got say a thousand pounds in there. Maybe that is 90 percent of your use or maybe that is .1 percent. Do you want to consider a percentage option in that reporting?

MS. FERGUSON: We did not view that as a little thing, but just as a place where you could put more information there. I think that we also viewed your productivity activity index as more flexible provided that the information is appropriate to go there. Items like your usage might fit in there or other production information might fit in there. So we did not view any of that as a limiting function so much as a place where you could add more information if you were concerned that the wrong picture was being painted of a particular activity.

Plus, I think that we would keep the facility -- the section comments by the facility where appropriate would be

another place you could put that kind of general information if you were concerned about what the information meant, how to render it -- language.

MR. REIBSTEIN: I am just saying that maybe the percentage option in that spot would be helpful because if you put a number -- and then later we talked about we have increased or we have decreased. We might be getting --

MS. FERGUSON: Oh, okay. So you are talking not just amount replaced or volume replaced, but a percentage value. Sure.

MR. SKERNOLIS: Part of the reason -- [comment off microphone] -- is trying to address the issue of quantity that is overstated by counting re-use over and over again.

[Simultaneous discussion off the record.]

MS. FASSINGER: Would you put like maybe three pages up at once?

MS. FERGUSON: No.

MS. FASSINGER: Okay.

[Laughter.]

MR. NATAN: Let me just add to one.

MS. FERGUSON: We can print it out. I am sorry. We could reduce the font on the whole document and maybe do that, but I do not know if you could read it though.

MR. NATAN: Let me just say that that last optional thing that you had up there is actually the number that many facilities report for onsite recycling. That is what they report as their onsite recycling, and regardless of whether they are supposed to or not. So that implies that they should be reporting something else in the box that is current onsite recycling.

MR. SKERNOLIS: I am not suggesting that we could not make a change because some people do not feel like we should.

MR. NATAN: No. I am just saying that for a lot of forms it would be the same number.

MR. CHAMBERLAIN: Rather than revisit all of the issues that were discussed yesterday on the recycling concept and proposals, we tried to basically distill it down with the common premise that we did not think that it was appropriate to report this large number that is recycled 10 times or a hundred times. But it is kind of building on Rick's idea yesterday in terms of what is sent out or spent and then how you recover that back into the process to try to account for that. That was our simple approach rather than getting into the complexities that went into yesterday. But I understand that you guys have solved it in group four.

MR. COMAI: I just wanted to elaborate a little bit on spills. This is the new section and not the old section. Not only are catastrophic spills covered, but remedial action, anything that they are sucking out of the ground or cleaning up out of the ground. That should be reported.

One time, non-production-related event -- I tried to add color to make up for my poor handwriting.

[Laughter.]

MR. COMAI: So this raises a bunch of questions. What is remedial action? When does it begin? If you have more than one spill, it is the same recurring event if you

kind of opt out of that catastrophic spill.

What is a catastrophe? Is a catastrophe two cups of mercury or three cups of mercury? If you clean up the mercury spill, you are going to have to put on some significant protective equipment. There is a chance that you could violate your entire NPDES permit for four years with one cup of mercury. With a thimble full of mercury you can violate your NPDES permit.

The issues that we mentioned earlier that Tom mentioned, you do not roll in 8.8 into 8.1, 3.7. So this idea of total, this area in the Form R where you are totaling things up, those total releases do not include total releases from these other events.

So they are added to section five and six. So this creates this issue. You have got a solid number that is reported, and then those are buried in those earlier numbers in section five and six which makes it hard for people to understand well, how many spills were there? You have got a total number. You have got this -- and where did all of the material go?

So one of the questions that are raised are catastrophes related to reportable quantities elsewhere in other -- is it CERCLA -- CERCLA defines what a reportable quantity is for a spill. Should that be included in the guidance on the Form R?

When does remediation begin? If you drop a bunch of acid on the ground and then you start to use absorbent socks and some sort of base to neutralize it, you have to report that material as a release to the environment..

If you have multiple spills, or if you have established a pattern of spills in a plant, wouldn't it be good for the Form R to track those? If you do have multiple spills, do you violate the first of the criteria -- one-time non-production-related events?

How can we total spill amounts in a way that links them to the number of spills on the Form R? Is there a way? Is there a data element that needs to be added?

Again, a special note. Since we are talking about using that section eight total, there is a summation of various other totals that are important to remember. Maybe go back and look at the way companies are ordering accidental releases and figure out how to make sure that that number still exists and maybe has improved so that it is more user friendly and usable.

Are there any questions? It is just a quick attempt to try to figure it out. There is a constant discussion. We do a lot of training on HAZWAPER, the OSHA regulation for training workers on how to respond to industrial emergencies. There is this interpretation of HAZWAPER that says that if it is an uncontrolled release, then that HAZWAPER law applies. If it is an incidental release, HAZWAPER does not apply. So you can rest assured that most of the companies, no matter how much stuff is spilled, report that it is an incidental release. Those workers -- they have got personal protective equipment. They have been trained on dangerous chemicals. So, if they jump in here with boots and a mop, then they meet the HAZWAPER standard.

MR. SPRINKER: One of the other problems with that too is that OSHA also has a definition with someone working in the immediate area it may, in that case, not be a release unless someone comes from the outside area, for instance, maintenance works everywhere -- maintenance responds. It is a big, hairy -- it is a big hairy mess. Truthfully, I do not think that there is any -- for most companies, I have never really seen a lot of really good tracking on spills as to different equipment. That may be carried almost anywhere in a plant. Maintenance might cover it, the operators might have that information. But, as far as ever being collected anywhere, even necessarily getting over to the environmental department for reporting.

MR. COMAI: If there is a leaking drum, once you have got that absorbent sock around it it is now a controlled release, so it is not a spill anymore. It is a controlled puddle.

[Laughter.]

MR. ECK: Just as a point of clarification here. I believe that the spill that you reported on the Form R has to actually escape into the media. So, your in-house spills probably are not going to be significant, where your outside spills are perhaps more significant for catastrophic events. That is my recollection of the guidance on that. Correct me if I am wrong.

MR. FEES: If you scoop it up and send it offsite, you have got to report that amount.

MR. ECK: Correct.

MR. FEES: The only one that you do not report is if you scoop it up and treat it onsite.

MR. SKERNOLIS: Isn't that double-counting it though?

MR. FEES: What is that?

MR. SKERNOLIS: Aren't you double-counting it then?

MR. ECK: My question is how do you count it?

MR. FEES: That actually gets released to the environment.

[Simultaneous discussion off the record.]

MR. SKERNOLIS: You should not report that if you pick it up and send it offsite for treatment -- [comment off microphone]. Is that what you are saying?

MR. FEES: You are quoting 6.2 and then 8.8.

MR. SKERNOLIS: What gets reported in 8.8?

PARTICIPANT: Offsite treatment.

MR. ECK: The 6.2 that came from your process which was not spilled.

PARTICIPANT: Are you double-counting those materials in the 8.7 and 8.8? That is my question. I am asking you because I do not know.

PARTICIPANT: In 8.1 through 8.7 no spills of any kind are included in those numbers. So those totals are not real totals.

MR. FEES: No spills from catastrophic events or one-time, non-production-related releases. I think that what I am hearing here is a little maybe misunderstanding on the definition of what should be in 8.8.

PARTICIPANT: Besides the reported spills, nine

times out of 10, or maybe 99 times out of a hundred, these facilities are importing in section 8.8 when they should not be because it is not a catastrophic event. They had a valve that was at the bottom of a tank and the valve failed, and they did not have a good enough O&M procedure to change out the packing of valves. And that was related to their production.

MR. COMAI: In section five?

PARTICIPANT: That should just be section five. Then you would not know -- you would not be able to tell that release from their permitted air releases. But, of course, you could look at other information, the three or four reports and other reports that are often made when they have accidental releases. But accidental releases are not the same thing as catastrophic releases in 8.8. It is just one that -- it is just a data element that I think is often misreported.

MR. COMAI: I think that part of the reason for that is that you have that section 8.8 in with those other totals that are sort of in that section eight, and then you have got -- you are supposed to go back and sort of plug those in somewhere in five and six and there is really no clarity on that out in the real world.

MS. FILE: Joan.

PARTICIPANT: It might help to separate out 8.1 through 8.7 and just entitle it something like reduction-related quantities and -- [comment off microphone]. Because 8.8 is supposed to be things like tornadoes.

PARTICIPANT: That is the problem I think. [Comment off microphone.] The problem is, as was just said, a cup of mercury may very well be a catastrophe given the circumstance and where it is. If the only reason to report a chemical in the first place -- if the only discharge you are reporting of a chemical is because of a spill, in that sense, perhaps maybe that belongs in 8.8. In all other ways, for 10 years, you have never had any release of that chemical and all of a sudden somebody dropped 2,000 pounds somewhere, and knocked over a drum or something, whatever, maybe that -- I guess that the definition of catastrophe probably does need a little bit more clarification.

PARTICIPANT: Catastrophe with respect to the things causing it like a tornado, like a lightening strike. I suppose you could even make a statement to the effect that a lightning strike can be preventable if there is certain grounding.

PARTICIPANT: That is the problem.

PARTICIPANT: It is not the actual spill that then causes the catastrophe.

PARTICIPANT: Are those terms in the Act, in the regulations, or are they just purely policy that the EPA has put out?

PARTICIPANT: The point of the EPA is to break out production-related waste quantities from quantity released to the environment as a result of remedial actions, catastrophic events, or one-time events not associated with production. That is the point of 8.8, not associated with production. And 8.1 through 8.7 is associated with production.

PARTICIPANT: Right. And the purpose of that is so

that 8.1 through 8.7 are apparently amenable to pollution prevention evaluation, whereas 8.8 is not. So a catastrophe would be one that is not one-time or whatever, and would not be subject to pollution prevention. So that is where your guidance of interpretation of that language is. It is not knocking over five-gallon containers or something. If you knock over a barrel or something like that, that is not necessarily subject to pollution prevention or it may be. That is where the line is drawn, where you look at that situation.

PARTICIPANT: Right. If you have routine spills, I mean, you cannot say, well, it is just a string of one-time events.

PARTICIPANT: Right.

PARTICIPANT: [Comment off microphone.]

PARTICIPANT: I am just trying to clarify a little bit. Can you describe the relationship between the reporting here and the CERCLA criteria as to what is considered a reportable release and what would not be considered reportable?

Also, I guess that I would ask if this could be addressed maybe through guidance. It sounds like a lot of these are guidance issues rather than data element issues.

PARTICIPANT: That was the discussion we had. I think that he has raised a question that we had in the group when we talked about spills that very definitely we all agree that guidance is necessary because we perceive a lot of errors are occurring in terms of how things are reported on the TRI.

I raised the issue that CERCLA does pick up -- [comment off microphone] -- should be picking up if people are appropriately reporting spills for reportable quantities. We have started to review those reportable quantities in the toxic chemical in preparation for some of the small business stuff coming up just to see, from a threshold basis, how they compared a lot of those acute items in CERCLA, the one to 10-pound ranges or what we are seeing in the toxic chemical which should not surprise anybody.

I do not know if that answers your specific question.

PARTICIPANT: Again, to understand, then you would apply CERCLA criteria as part of the guidance on how this is rewarded?

PARTICIPANT: I think that Andy was just reflecting that we raised a question that some of this information is already being reported under the CERCLA systems or should be reported under the system.

PARTICIPANT: Our discussion did not go past the point of saying this particular data element is not consistently and accurately filled out and we need to improve the guidance to make sure that people are doing a better job of it.

I think that what we are hearing is Andy is also basically telling you why, from his perspective, since he is more expert on this point.

PARTICIPANT: A comment is that under -- I do not see a tie-in between this and CERCLA-reportable quantities. It gets back to the basic philosophy as was described earlier, and that is -- and there is 8.1 through 8.7. You calculate those kinds of spills, or releases, or spills that are picked

up and gone through some sort of pollution prevention activity. But 8.7 is the catastrophic event or one-time event.

The CERCLA RQ is totally separate from that. You may have to report it under CERCLA, but, then, again, you may still have to capture it here. You may have an event that may not be reportable under CERCLA but may be deemed a catastrophic event and you report it here.

PARTICIPANT: I was thinking, in light of Maria's comment about the leak that you discover after a period of time, that is still reported under -- [comment off microphone].

PARTICIPANT: The RQ concept is a threshold. At least the way I understand it, a catastrophic release is a 99 percentile. So I do not think that they can leak, although there can be CERCLA releases that are catastrophic, but they are way beyond the RQ. I think that the RQ is a little too restrictive.

PARTICIPANT: I think that is the catastrophe, and then there is the one-time non-rupture-related release that is not a catastrophe.

PARTICIPANT: That does get picked up. It does not get explained well, but it gets picked up.

PARTICIPANT: You cannot break it out and a lot of companies do not report it.

PARTICIPANT: We cannot use CERCLA RQ because they are two separate concepts. But they can be the same in some cases.

MS. FILE: [Comment off microphone.] Mike?

PARTICIPANT: Just one question. It does tie into the catastrophe. I think that there is a fair amount of reporting -- [comment off microphone.] It looks as though they reported a 5,000-pound release of ammonia or -- [comment off microphone].

PARTICIPANT: A fire at the plant.

PARTICIPANT: But it is production-related I guess. Let's say a better example would be -- [comment off microphone] -- the release of thousands of pounds of flammable gas out of the Phillips Chemical plant. Again, both that case and the case that I am describing are quite amenable to pollution-prevention activities. [Comment off microphone] -- certainly better research into the hazards of the compounds, as opposed to something like a tornado or hurricane coming through and causing this.

I think that there is an enormous amount of confusion out there probably in many ways tied to the OSHA definition of catastrophe, and the TRI definition of catastrophe, and probably the -- [comment off microphone]. Since it sounds as though under the law it is not possible to equalize all of those -- to equate all of those definitions, I think that we really need some stronger guidance there.

PARTICIPANT: I like the cup of mercury example because it is just a real example. They spilled it. Somebody had to go clean it up. They generated a whole load of RCRA hazardous waste that went into a barrel, all of the clothes that people wore during clean up and they never reported anything. The workers were working in a dangerous to life and health atmosphere according to the OSHA record. For the work-

ers it was a catastrophe.

PARTICIPANT: [Comment off microphone.]

PARTICIPANT: I had a question. It sounds like it would be useful to define catastrophe. It might be useful for the guidance to talk about the relationship or lack of relationship with CERCLA. That might be a point of confusion for people.

PARTICIPANT: If there is a way to pick up from your reporting system -- [comment off microphone].

PARTICIPANT: Reference is a good idea, not to make this form too cumbersome or it becomes useless. Reference to those places where you can get that information.

MS. FILE: Group four.

MR. REIBSTEIN: The solution to recycling will be presented by Joan. In the group are Linda, Joan, myself, and John Stone. That is a little sneak preview there for those of you who can read fast. I have just one point here. When a facility stops reporting on chemicals it would be nice to know what happens. I was being told by someone who has tried to -- who has gone to the EPA Webpage, looked under watershed, and looked up all of the TRI reporters and their watershed and found themselves there, although they have stopped reporting. So apparently it is once in always in. I used to report -- [comment off microphone] -- no data now.

We have this in Massachusetts -- facilities stopped reporting. If we want to know if they went out of business, they are non-complying or they did source reduction we have got to call them. It is probably in everybody's interest to have this. So this would be -- [comment off microphone].

We came up with these three reasons. Linda says that the State of Ohio has developed a checklist which has maybe more reasons so we recommend that you refer to that.

What you see here is sort of an overview of what TRI could do if the use index were in there. It is sort of a simple look at redesign. So the way that it conceptually goes is you see first how much they increased or decreased production, and then how much they increased or decreased use. And then for waste we would do the same thing. Waste is in parentheses because this is basically your non-product output, all forms of waste, and not necessarily hazardous waste.

You have the raw numbers now. We could develop an index from that. That is the basic thing that you want to start with. After that, it is all the fate of the waste. What happens to it?

This is up here so that it is conceptually an easy-to-follow, common sense way of doing it. We did not talk about how you would take sections five through eight and make it into this. So we were just thinking ideally what you might want.

It can be broken out as onsite and offsite. We thought it would be good to make clear things that were made into a secondary product. At the bottom you have that funny word placed which means you set it somewhere and it is sitting there in a controlled land disposal and dispersed. Now we are using releases into the ambient environment which makes the distinction between something that is sitting there and something that has been dispersed.

Now we have the answer to the recycling problem.

MR. BROMLEY: May I ask a question before you go on?

[Laughter.]

MR. REIBSTEIN: Sure.

[Discussion off record.]

MR. BROMLEY: Are you saying that your proposal is that that year say, they do not meet the threshold that they reported on the year previous, that they submit some new form for that year to explain for the following year that they did not have to report?

MR. REIBSTEIN: Maybe it is not a form submittal. Some way it should get into the database that they did source reduction, closed down their business or are not complying.

[Laughter.]

PARTICIPANT: They may only have two chemicals that they are reporting. [Comment off microphone.]

PARTICIPANT: I am not sure how realistic of an expectation that is especially using a small facility kind of example. We had an instance in Chicago not long ago where the owner died. There was nobody to take over the business. It was an instant Superfund site for a short-time there. They are not going to be filing forms this year that is for sure because there is nobody there to file the form.

PARTICIPANT: [Comment off microphone.]

[Simultaneous discussion off record.]

PARTICIPANT: You are going to have a lot of facilities that are still reporting on certain chemicals and now you know why they are not submitting for other chemicals.

MR. ECK: If I reported once and thereafter was under the threshold, would I continue to send in the form saying that I am under the threshold for the rest of my life?

MR. REIBSTEIN: One time.

MR. ECK: Well, but if my facility is up/down, up/down -- so you are just saying --

PARTICIPANT: You are back in again if you are up.

PARTICIPANT: For every year that you -- the first year --

[Discussion off record.]

PARTICIPANT: -- not reporting after you did report you send in a form. But for subsequent years, even though you may not be reporting for lots of different reasons, I tell you nothing until I report again, and then I have a liability one time to tell you something like that. If I never report, I never have to tell you anything good or bad that I have done, assuming that I am complying with the laws.

PARTICIPANT: That is an incentive for source reduction.

PARTICIPANT: You are doing exactly that on your tier-two reporting now. If you do not have a quantity to report, you X the box, that next year's thing that you get from EPA or from the state, it is not on there. The next subsequent year, all of a sudden you have got a reportable quantity, you fill out the new form, and you are back in. It is identical to the tier-two reporting.

PARTICIPANT: And that one could be like an extra box just like on the first page or on the form A which we are going to talk about next. So it would not be a whole new form

or a new process to go through, but a much abbreviated version of the same thing that you are already doing. The EPA -- if you -- [comment off microphone].

[Simultaneous discussion off the record.]

PARTICIPANT: This helps us. We are going through the same thing. We have facilities -- like now I have one that is closing. I have to write a cover letter as to why they are not reporting this year. I know that that is not going to get in the database. There are others that have fallen below the threshold. We have had to go out and do studies or hire consultants to go back and find out why they are not reporting just to make sure that they are in compliance.

MR. REIBSTEIN: It does not have to be on the form, but some mechanism.

PARTICIPANT: Right.

PARTICIPANT: [Comment off microphone.]

PARTICIPANT: My problem is that I think that there is a need there maybe. I understand why people are saying that it is useful, but I look at it in two other ways. The opposite side of the coin is that, one, it is more paperwork and, two, if I forget to file that I am subject to $25,000 per day violation for not filing that thing.

[Simultaneous discussion off the record.]

PARTICIPANT: If you guys followed that and did that -- that it is not a violation per se of that type of nature for a citizen's suit, et cetera, that would make me a lot more comfortable.

PARTICIPANT: [Comment off microphone.]

PARTICIPANT: I understand the need. I think that that is useful, but there are some drawbacks to it. I just want to make sure that that discussion is a full discussion.

[Simultaneous discussion off the record.]

MR. SPRINKER: I imagine that much more often than not they have stopped or they realize sometime during the year that they have dropped below the threshold of use sometime during the year and they are not going to be going back up. Were we also envisioning that perhaps, you know, for any of the specific chemicals you also say, hey, I am not using this stuff anymore. I used it part of the year. Here is why I am reporting. I am not using it anymore. I will not be reporting on this chemical unless plans change again.

PARTICIPANT: We were talking about anticipatory. We were talking about from January 1 to July when you have to report looking back at the previous year's use if you saw that you did not meet the threshold, so it is looking back.

I suggest that we should probably move on to the next piece.

[Simultaneous discussion off the record.]

PARTICIPANT: You put a caveat on the discussion this morning that these items may not be appropriate for various -- [comment off microphone].

PARTICIPANT: Please use the microphone. Nobody can hear anything that you are saying!

PARTICIPANT: That is the only new thing there. Activity indexes might be appropriate. Productivity indexes are not necessarily appropriate for all categories either.

PARTICIPANT: We already require --
PARTICIPANT: This is production ratio.
PARTICIPANT: [Comment off microphone.]
PARTICIPANT: Productivity ratio or activity index is a shortening of that.
PARTICIPANT: Okay.
PARTICIPANT: Yes.
PARTICIPANT: Just as long as it is -- I just ask for clarification then. This recommendation includes the notion that it may not be appropriate for all kinds of facilities.
PARTICIPANT: Well, this recommendation includes the notion that the production ratio and activity index be improved so that it works better for everybody and is more useful, and that a use index be brought in. In that, the idea that we would have to maybe tailor it or structure some exemptions, that potential arises. I do not know the answer to that yet. That is where that comes in.
PARTICIPANT: I think that gets back into our discussion from yesterday when we had various -- [comment off microphone].
Okay, the recycling issue. [Comment off microphone.]
PARTICIPANT: Please use the microphone! It is a little hard to hear back here.
PARTICIPANT: Sure.
PARTICIPANT: I will try to look at the recycling issue and see if there was some way to respond to some of the issues that were brought up.
We drew two times through the recycling. The first time you go in you have a thousand pounds going in. And then this is your process box. When you come out you have a release which is reported as currently as whatever kind of release it is. You have 900 pounds going for recycling. I would say a painting operation would be a good example of this where you have got some fugitive emissions and you have the amount that is captured and put back as recycling. Most of that is actually typically -- you know -- [comment off microphone].
So that goes into a recovery unit. I have tried to make this round to show recycling. We are getting pretty graphic here. Even out of that to address Mike's issue, you know, you might have some loss from that, like slides. If you are cleaning up sediment out of solvent that would go off for disposal or whatever. 800 pounds of that is going back in. We counted that as recycled material re-used as feedstock. That goes back into the process. We go around this loop twice. Essentially what we are trying to do is convey the resource conservation benefit of this or put this big number in context.
Right now when you report we call it total waste. We would call it waste managed. You would have the 200 pounds that you had released, the 100 times two, you have the 200 pounds to dispose of out of some kind of recovery unit or recycling activity or facility, and you have 1,800 pounds total going through the 900 twice that is generated. You report 2,200 pounds. We would call that total waste managed. So,

essentially, it is the same information, the same way you report now, but a little bit different nomenclature.

Our other data element for a total actually, and this could be done automatically or as a subunit of totaling is the waste generated. So you would take the amount that is released just like you do now, the amount you dispose of, and then you would take your amount in the system, the 900 pounds that keeps going through that loop as a recyclable item, and then your total waste generated would be all of your releases and the mass of what is being recycled. And that -- kind of the total mass at one time so that that indicates kind of what is in the system.

And then we would have an optional data element to show that you are re-using a lot. You could be re-using material that comes from another source as feedstock. For instance -- [comment off microphone]. So that would be the extra data element. So this would be actually the only additional data element. That could be optional. So, if you do not have that information or access to the information, you would have to report it. But it would help put this 2,200 pounds and say out of that 2,200 pounds, I am re-using 1,600. So it puts it in a better context.

I will put the chart back up if anybody has any questions.

PARTICIPANT: I have one.

PARTICIPANT: Please use the mike.

PARTICIPANT: My question is that you sort of presented two approaches. Are those alternatives or would you have both?

PARTICIPANT: No, both. Actually, what it is is just totaling two different wastes. So instead of one big total you would have the one big total, and then another total that is more of a subset. That includes the amount that you have recycled once through the loop. This was presented as an alternative of trying to say I am recycling this 900 pounds two times and trying to come up with that activity index that some industries thought would be difficult to do. So this way I could say instead of that I could say -- I am saying this same thing that I am now, the 1,800 pounds off for recycling. I happen to know of what I am using in the process of certain quantity that comes from recovered sources.

PARTICIPANT: The first part of that takes advantage of the idea that has been proposed, to break out the waste generated and the total waste management. So it is using that proposal.

The last bit that she presented was to capture offsite recycling. This thing here is for onsite recycling. That is to avoid double-counting of onsite recycling. But we did not want to not do anything at all for offsite recycling, and that is why you have that last one about virgin material replaced which I will note is identical with the group three.

PARTICIPANT: Right. And that would be this data element. You could be getting that from anywhere.

PARTICIPANT: One of the problems that was raised for counting the number of passes through a recycling system before was that in many cases recycling is continuous. There are no discernible passes. How would your proposal which

seems pretty much based on a batch recycling account for that sort of a thing?

PARTICIPANT: I know how much I need for that process as a starting point. I now how much I am replenishing. So that difference would be how much recycled material I am using.

PARTICIPANT: I think that some processes are not so defined. There is not a clear indication of how much you are replenishing, for example. You may, in fact, know how much is needed in the reactor, but it may be a continuous loop where you are not tracking that. I think that was the technical issue that was raised. I do not see that you have gotten around that really.

PARTICIPANT: Well, right now you have to -- [comment off microphone]. This data element is optional. So, if you do not have that information, you just would not report it. But, for those who have the information, it provides a similar context to what you are referring to.

PARTICIPANT: That was my question -- [comment off microphone]. What happens to the facilities where they never count what gets captured -- [comment off microphone]. What I find useful is the idea of a -- and I would not make it optional -- an amount avoided -- amount of raw materials avoided through recycling.

PARTICIPANT: Right. And that is what this total is. I was trying to keep the verbiage as sparse as I could because of the -- [comment off microphone].

PARTICIPANT: You could use the positive --

[Discussion off the record.]

PARTICIPANT: Getting back I think to the earlier issue. We would like to use it. If it is not in the -- I guess, if somebody actually cannot come up with this, I do not know if we want to make it an enforceable data element.

PARTICIPANT: Subject to those kinds of caveats.

PARTICIPANT: To me it would be in my best interest to do this, to come up with this information to try to put that huge number I have in context. If somebody has a continuous process, then someone has a continuous loop onsite especially, this is going to be a huge number and that number is going to increase so that if you do not put that other indicator on, it is going to make this look worse instead of better. So it would seem that it would, again, be beneficial to try to develop the information.

PARTICIPANT: [Comment off microphone.]

PARTICIPANT: It tried to address the difficulty of coming up and having various activity indexes. If I have one facility who does a choice here and I have another one who does it 36 times a year, and another one who does it continuously, is that really telling me something or is this the key information of how much new material I am avoiding by re-using this?

PARTICIPANT: [Comment off microphone.]

PARTICIPANT: That is your ordinary releases and disposal, your ordinary wastes from the production process and from the recycling unit, plus the mass that you are recycling counted once. The virtue of that is that it gives you a fairly tight waste generated onsite number. You do not have

this problem with this continuous processing, continuous recycling problem which gives you soft numbers. You do not have the problem with doing X-times recycle. It gives you a fairly good number for waste generated onsite.

PARTICIPANT: The thought is if you are reporting this waste managed and you get -- especially with a more continuous process, you get these outrageous numbers. From a community standpoint, I want to know what is there now if there is a catastrophe or something. That humongous number does not really represent a point in time that I am interested in.

Also, as far as movement through the system, if you have a continuous recycling loop, we thought that reporting this 900 pounds and then, if this person reports 800 pounds, instead of reporting an amount like so, I mean, as you aggregate, in this situation when you have 18 plus 1,600 -- 3,500 total. But yet the waste generated when you aggregate it, you would have the 17 which kind of indicates what is in the system at one time, and what is going through that little life cycle loop at one time.

PARTICIPANT: Mike. This was to be used for onsite recycling or for either one?

PARTICIPANT: I think that we had -- we are not able to come to consensus on that. Some thought to apply it onsite initially. Some thought that it should be applicable to any release. If I have solvent recovery I might be doing that at a site and bring in a mobile unit so that it will be onsite. In the case of my battery plant, they are bringing in post-consumer, which is, again, environmentally responsible, bringing in batteries after the car has expired, and they are using that as feedstock. So you are still having a beneficial effect on the environment from a lifecycle perspective.

PARTICIPANT: Again, it may be very important to look at the amount in transit. Actually, on some worksites it may be useful to see what is really in transit there too. And then you folks also made the comment about the continuous loop. I guess that I am a little confused about that. Because, unless, for example, take something like an operation where you are creating a product and then there is really at least a couple of scenarios there. One where all you really have to do is essentially return the stuff back to the beginning and because the quality, if there has been some contamination in the meantime, maybe that does not matter and you can still use that as the feedstock, in which case, I do not think that that is really reportable now. It does not have to be reported now at all. Then you have got the other option where you are using it, and then you have got to do some sort of recovery. It might be distillation, it might be a filtration, or something like that and bringing it back in.

Does that have to be reported at this point in all cases?

PARTICIPANT: [Comment off microphone.]

PARTICIPANT: Okay. And then, again, you have got the potential release exposure issues there. Again, there are going to be some differences from site to site. I am just thinking of this with both of these -- with this scenario and maybe some other scenarios. It might be useful to try it out

for some disparate number of -- or distinctive operations to see what really works and what are we actually getting out. What information are we missing that we need? What information are we gaining that would be useful?

PARTICIPANT: This 900 pounds would be the amount to adjust your transportation issue. That would be the amount in transit. So that would give you that indicator. The amount that leaks, the inefficiencies would be in these release numbers. I was trying to keep track of all of this.

PARTICIPANT: I am thinking it may be both of those two options that you gave. It might be useful to see -- to really break those out and take a look at really analyzing those.

PARTICIPANT: Oh, your other issue was whether definitionally it should be reported or not. Again, that is a case for leaving this optional so that if I want to report it I can report it, if the waste is coming back or even if it is another material that has been recovered coming back. Again, our intent was not to get into the definitional issues as much as trying to put these numbers into perspective in any context. I am generating a lot of waste material. I am also bringing a lot back in be it through onsite or from some other infrastructure.

MS. FILE: We have five more minutes.

PARTICIPANT: It still seems to me that you are equating recycling with source reduction. The way this thing reads somebody is going to report a 900-pound reduction in the generation of waste. Generation is equated to source reduction. The process itself is still just as inefficient as it was before. You are still creating -- if you are going to recycle something, you have got a waste. That is the way that it is. It has to be purified.

PARTICIPANT: That is why we are maintaining this waste managed number.

PARTICIPANT: But the way that the form reads now is the way I understand it. Maybe I am wrong. Waste generation is equated to source reduction. People will be writing down we have accomplished source reduction when they have done nothing. I mean, source reduction -- inherently in source reduction is a direct change in the production process. There is no direct change in the production process. You have not reduced the generation of waste in that process. Yet, right from the way that this reads, they have a 900-pound reduction in the generation of waste.

PARTICIPANT: That is not the intent and that is why we have the waste managed so we would still provide that information on the inefficiency. Maybe the nomenclature needs to be changed. We are trying to separate between what is in the system, again, that kind of mass that continually keeps moving through the system versus your aggregate over a year.

PARTICIPANT: In terms of perception, how do you differentiate this from real source reduction if there is a reduction of 900 pounds in the generation of waste?

PARTICIPANT: We are not meaning to call it source reduction or indicate that it is source reduction or we are reducing the waste generated. We are trying to segregate the total aggregate over a year to the amount in the system at one

time and also convey that there is some benefit to it. I think that it is a matter of semantics. That was not our intent.

PARTICIPANT: If you have a field that says total waste managed under whatever this will look like, 2,200 pounds and then there is another field that says total waste generated 1,300 pounds, to me that looks like a reduction in the generation. How do you differentiate?

PARTICIPANT: It is a matter of possibly coming up with another term. We are trying to provide a conceptual proposal. If we need to work with the verbiage we can do that. That was not our intent.

PARTICIPANT: I have two comments. One I think is a math error in your waste managed number. If you waste managed what you had reported there as released 200, disposal 200, I would agree with that. The recycled quantity you list is 1,800. Now, if that is an onsite recovery unit, which I think is the context of it, what you report in section 8.4 should be the amount that is actually recycled. So it would be the 800 times two and not the 900 times two.

PARTICIPANT: Again, I think we are trying to keep the word down because of -- [comment off microphone]. That would actually be the amount sent to recycling, the amount generated prior to going to recycling, consistent with --

PARTICIPANT: [Comment off microphone.] It is what comes out of the unit and then you account for the balance of what went into the unit in other parts of section 8.

PARTICIPANT: Right. This is what is going into being recycled and then this is what is coming out of the unit.

PARTICIPANT: Right. So on your waste managed chart, which was your next page, the recycled quantity should be 1,600 instead of 1,800?

PARTICIPANT: Right.

[Simultaneous discussion off the record.]

PARTICIPANT: It was my understanding -- [comment off microphone]. And then the amount recycled is actually -- and the amount recycled would be the 1,600 pounds. that is what comes out after you go through whatever recovery process you would have.

PARTICIPANT: The second thing, your concept of calling the 900 in your next draft waste generated, in other words, what amount in the system -- I guess to me waste generated is actually the higher amount. To me if you -- say one batch makes 100 cars, and say your production doubles and you make 200 cars, I do not understand why you only want to count the recycled amount once in terms of waste generated. Because who cares whether it comes from fresh material or from recycled material. You still generate the waste to produce the second hundred cars.

PARTICIPANT: Would you suggest we flip those two?

PARTICIPANT: I think what you are trying to get at is a better method of relaying what is in the system at any one time or amount stored onsite. I think that is the concept that you are driving at in that regard. You are reporting a very high recycled number that overstates what is actually on the site. I personally think that there may be better ways of

coming at that lower number than tying it into a recycled amount.

PARTICIPANT: Does that address the issue? If we switched the generated and managed -- okay.

PARTICIPANT: I still have a problem. How do you deal with the continuous processes that end up with quite big numbers for recycling if you cannot physically figure out what that number is or calculate what that number is?

PARTICIPANT: I would suggest the industry sector get together and look at the methodology for that.

[Laughter.]

PARTICIPANT: We have been working on that.

PARTICIPANT: I know where we had difficulty doing that it was suggested that we come up with some kind of monthly amount or have a default. That perhaps could be addressed through guidance with some input from the industries. I understand that you would not want a certain industry being penalized because they cannot come up with this upfront number.

PARTICIPANT: I disagree with Grant in terms of the fact that this recycling concept is not source reduction. I would submit to you that if I shut down my recycle systems, sent everything for offsite disposal, that would be a huge number. And then, if I were to crank up my recycled systems and see that number decrease in terms of pollution, then I have in fact reduced --I have implemented source recovery in terms of taking that material back into the process and reducing what waste is generated.

PARTICIPANT: What Rick is saying is that -- [comment off microphone].

PARTICIPANT: The difference between the two is it is actual resource reduction. You are reducing the usage of resource, new resource. So that is actually the compromise term or idea between this resource reduction.

PARTICIPANT: Resource conservation. I guess it would be very convenient to link those -- [comment off microphone].

MS. FILE: We will take a break.

[Brief recess.]

Agenda Item: Synthesize Ideas from Four Groups

MS. FILE: What EPA wants to do now is they are going to accept all four recommendations as recommendations. What we are going to do is take 10 minutes for each group. The group leader or somebody from the group will come back up and just present in a minute or two, you know, just to remind everybody of what their group said.

Remember the end of yesterday morning when we went really quickly and we said, if you agree with it, that is great, we do not need to hear from you? If your disagreement -- if you have a disagreement that you want noted, we are going to just take it down on a flipchart. If your disagreement is obvious because your group came up with something that is directly opposed to this, do not worry about marking it down because they already have that information and we really do not have that much time. So we just want to capture things that you cannot live without having in a very short amount of time.

Does that make sense to everybody?

[No response.]

MS. FILE: No one says anything.

Okay. Can group one come up?

[Pause.]

Agenda Item: Group One Idea Synthesis

MS. SULLIVAN: Okay. As you recall, we had overall form redesign not being real high on the list right away. Adding comments fields, adding code letters to code boxes where it makes sense.

Section five. Some types of land disposal should be separated out somehow. Other land disposal should be delineated by --

[Phone ringing.]

MS. SULLIVAN: -- codes. Am I supposed to go through them all? Am I supposed to go through the whole thing?

PARTICIPANT: Briefly. I think so.

MR. FEES: Why don't you see if anyone has any comments on those.

MS. SULLIVAN: Okay. Does anyone have any negative comments on these?

MR. CHAMBERLAIN: Well, are you looking for just negative comments?

MS. SULLIVAN: I guess so.

MR. CHAMBERLAIN: Objections.

MS. FILE: All they are looking for are objections or problems with it. Again, even if you have a problem, if it is already explained by the fact that your group has something very different, do not worry about it. We do not need supporting things, just objections.

[Discussion off record.]

MS. SULLIVAN: Section six. I guess that the main thing we have is not requiring the reporters to report the net from the POTWs. We would have that picked up from NPDES permitting and report them out to each POTW separately.

MS. FILE: Any problems.

MR. FEES: Other than our group -- do not put this down. Our group just said that we wanted the POTW amounts to be on there. We were just directly opposed.

MS. FILE: That is fine.

MS. SULLIVAN: Section seven. Within the guidelines of the statute tried to meld some of the treatment codes, treatment sequences and eliminate column C. MS. FILE: Any problems?

MR. SKERNOLIS: I have an objection to the previous one on section six. Given that the TRI ID, the last item --

MS. SULLIVAN: Oh, the TRI? I forgot about that one.

MR. SKERNOLIS: Yes. It would only apply to a very small number of TRI constituents going to very specific-type of facilities which is hazardous waste treatment and disposal facilities. It seems to me such a narrow fix that I am not sure why I am talking about it in this context.

MS. SULLIVAN: I think that it helps the people who analyze the data to key it to where it is coming from. Tom?

MR. NATAN: Yes, that is right. Otherwise it is

very difficult to link. It is nearly impossible otherwise. Names and addresses do not help.

MR. SKERNOLIS: CERCLAs numbers?

The only facilities that would need this criteria are facilities who have surface numbers. If they do not need the surface number, that requirement is fulfilled. If they are not doing a good job of filling out a surface number, why do they believe that they have to do a good job just filling out a TRI ID number?

MR. NATAN: Well, I do not know that they are going to do a good job at it. The thing is that it will just make it easier. It will be immediately linkable.

MR. SKERNOLIS: It is immediately linkable to the surface number.

MR. NATAN: But the surface number --

MR. SKERNOLIS: I do it all of the time.

MR. NATAN: If you are only looking at TRI that is not true. For many people, that is the only data that they are going to be looking at.

MS. FILE: Paul.

MR. ORUM: My only objection is that there is a conceptual narrowness. I think that every facility in the country should have an ID number, and it should always be reported on all of these transfers.

MS. SULLIVAN: So you are after one number. All right.

MS. FILE: Is there any problem?

[No response.]

MS. SULLIVAN: Section seven.

MS. FASSINGER: I have a process question. I apologize if I just missed this. But are we going to go through objections and then try to synthesize all of these together?

MS. FILE: Except we are taking all four as recommendations -- all four groups as recommendations. But if you have a problem with something and it is not something that is articulated in your group's answer to these questions, then we just want to get it out here.

In other words, if your group came up with the exact opposite of something that is up here, it is obvious that you do not agree with it. But if it is something that is not covered in that, just put it up here quickly. We only have 10 minutes per group, so try to move through it fast.

MS. SULLIVAN: 8.1, that which comes from offsite. We named 8.7 -- up from 8.1 to 8.7 and broke that into that which comes from offsite. Okay. 8.1 is that which goes to on and offsite. The sum of 8.1 through 8.7 is that which comes from on and offsite. And that codes for reasons for changes.

MS. FILE: Joan?

MS. FASSINGER: I apologize. I need to go back in light of knowing the process. On the first slide where you say do not change the form, complete redesign, I guess my comment would be an objection that perhaps instead of a drastic change we could possibly take the existing form. In light of Suzi's discussion we could put it on spread sheet format, but pretty much keep the form looking similar. So I am not sure -- that might appear to be an objection to your overall first issue.

MS. SULLIVAN: I would say that our committee had -- there were some members of our committee who had trouble changing the form at all, you know, as far as the general format. We did not talk to your specific question, of keeping the format the same but going -- [comment off microphone]. That was not really discussed.

MS. FILE: Were there any other comments on this?

MR. GEISER: Your last slide there on 8.1 or 8.1(a) and (b). Is the sentiment not to report something called 8.1 at all or is it to simply report it and then to break it out into two?

MS. SULLIVAN: Did we decide that? I do not remember. Tom.

MR. NATAN: I do not think that we did.

MR. GEISER: So it was not a hard rule on it.

MS. SULLIVAN: We did not decide on it.

MR. GEISER: I just would feel uncomfortable about having no, not rolling it up.

MS. FILE: That needs to be reported?

MR. GEISER: Yes, I think so.

MS. SULLIVAN: Make sure that there is a sum of 8.1(a) and 8.1(b).

MS. FILE: Make sure -- I am sorry, I was not -- make sure that there is --

MS. SULLIVAN: There is a sum of 8.1(a) and 8.1(b).

MS. FILE: Any other problems?

[No response.]

MS. FILE: No. Okay.

Next group.

Agenda Item: Group Two

MR. FEES: Your attention please. No overheads. Group two, the thoughtful and deliberative group. I will read each one and then you can decide.

Differentiation of disposal methods for section 5.5 and 6.2 using boxes and codes. Examples include slag, land placement, offsite, underground injection wells and subtitle D landfills. The EPA should conduct a review to determine other differentiations besides these examples. If more than a few distinctions are developed, it may be more appropriate to use codes rather than boxes.

That was actually a concept that was in group one that I did not hear any comment on. Okay?

Next one. Have EPA develop a look-up table of treatment efficiencies for different types of POTWs for each chemical that could be used by the facilities that send TRI chemicals to POTWs. These facilities would then put that information in 6.1 and separate the amounts between 8.1 and 8.7. In addition, EPA should revisit the language of the certification statement. This is in distinct contradiction I think to what group one wanted with respect to the POTWs. Our group is putting the onus on the generating facility to provide that breakout of what really gets treated by POTW and what does n o t .

MS. FASSINGER: But you had as a caveat to that reconstruction of the certification?

MR. FEES: Yes. That was in the language there.

Number four. We agree with adding the three new data elements in section eight as total waste managed, the

quantity generated onsite and the quantity received from offsite, pending final changes to definitions. Okay?

We agreed with providing a checklist of reasons why TRI Section Eight data changes from year to year. I think that that is probably the thing that has come closest to motherhood and apple pie. I think that just about every group had indicated a liking for that. I am glad that we could really support that.

We support the big vision, furthering facility ID and one-step reporting, and the notion that the spreadsheet approach that Joan had presented before is a good starting point for furthering that discussion. So it is sort of a recommendation to carry on this idea even though we may not in this committee -- the motherhood, apple pie kind of suggestion.

MR. NATAN: No, that was me.

MR. FEES: Oh, okay. I thought that you were going to be the scrooge.

Okay, one more or two more. We agree with further developing a use index for Rick. He is not here now so now you can attack it and he will not feel bad because he is not here. That idea of the use index, adding that to the reporting, we would like to see that further considered for inclusion.

MS. FASSINGER: Not that Rick is not here to hit me over the head, I am not opposed to the development of the use index, but would state that we feel that it should be one of several options as a subset of an activity.

MR. FEES: Okay.

MS. FASSINGER: As proposed in group four's other paper.

MR. FEES: Sam.

MR. CHAMBERLAIN: Going back to your first statement. I have a hard time understanding what your goal is in differentiation of disposal methods for section 5.5 and 6.2 using boxes and codes. I am not sure what boxes and codes you are referencing. I just have a hard time understanding that one.

MR. ORUM: May I give an example?

PARTICIPANT: Would you please use the microphone?

MR. ORUM: An example would be just as --

[Laughter.]

PARTICIPANT: Stereo.

MR. ORUM: Just as we added to the onsite reporting, a distinction between class one underground injection wells in the other classes, which is something that you all had cited, you would do the same thing for the offsite underground injection wells. So you could distinguish class one from other wells.

The idea is that you improve your ability to talk about and interpret what is going on when materials are disposed on the land which is one of the fundamental issues that this group has wrestled with.

MS. FASSINGER: We have examples in your filed, written report that will be submitted.

MR. ORUM: There were three examples. One was slag, one was RCRA Subtitle B, and one was this underground injec-

tion code. We said that EPA should conduct a review to get kind of a better picture of that.

MR. FEES: Of how many different things that there are. And there are just a few. We are talking about a few in terms of on the section five releases. We can have a separate box for them right down here. But not then use some kind of like a -- especially in 6.2. The concept of 6.2 is more of the M codes, expanding the M codes. You could even do codes in section five if need be, if there are too many boxes to add.

MR. BROMLEY: That was a discussion that was made to make sure that what we are talking about is on a general level so that it applies to all facilities is -- and I am not sure that we have got agreement on this necessarily, but that it does not go into specifics of saying what the material is necessarily, but what the disposal method is. Or, if you want to do it the other way, maybe do the materials as a code or something like that but not to mix the two. Those were apples and oranges. There was unfortunately a discussion that two could end up being together.

MR. FEES: Any more thoughts on what I said thus far?

MS. FASSINGER: Just a comment on the categorization. I would ask that we apply, again, a 90 percentile -- [comment off microphone] -- start breaking all of these disposal or management activities so that we are not trying to count. If we have one TRI chemical that is in several waste streams -- worry about counting down the -- [comment off microphone] -- which waste stream it is going in as we start differentiating what -- trying to look at the broad picture.

MR. FEES: That was the point that I was trying to make on there that if you add a line for slag which I said does not make sense, it is too narrow of an item. It is probably only five or 10 percent of all of that and it should not be there. It should be in a more generalized category as to managed disposal or some other type of thing that you would do.

MR. ORUM: I think that we envision just a few, probably not a whole lot.

MR. FEES: One last item which was already mentioned in group one, and that is to further explore the use of a common field for a section. That is group two.

Agenda Item: Group Three

MS. FILE: Group Three.

MS. SUBRA: Change as little as possible. Consider the impacts including the costs so that you do not impact 95 percent when you are trying to get at something for five percent.

Minimize the data and structural changes. Keep the data elegant so that we can do the trend analysis so we do not lose that in the process.

Ken was really emphasizing that we need to be able to have trend analysis.

Again, put reason boxes, and make them flexible. Improve the guidance on form R reporting to deal with the spills. That was Andy's. Are there any problems with those and one through five?

[No response.]

MS. SUBRA: Number six. Form R should be able to import data from other regulatory programs. If the data is not used, evaluate why it is not used and really look at what is being used, how it is being used, and then use common terminology so that everyone is talking and understanding the same thing. Joan.

MS. FASSINGER: I guess that this is more of a question than a comment, or maybe it is an issue that we need to capture on item number six on the data integration. We need to address the issue of inconsistency in the regs. I guess that the question is would we propose if we are able to integrate the data to address those inconsistencies in the regs?

MS. SUBRA: Right.

MS. FASSINGER: So that is an issue.

MS. SUBRA: Okay. Any other problems through eight?

[Laughter.]

MS. SUBRA: Too bad.

MR. ORUM: Oh, I am sorry.

MS. SUBRA: No, no one spoke up, that is it.

[Discussion off record.]

MS. SUBRA: She is still trying to read number seven.

[Brief pause.]

MS. SUBRA: Is that okay?

MS. FASSINGER: Yes, that is fine.

MS. SUBRA: Seven is okay? Okay. Can we go to the next group? These, again, are the ones that Sam had passed out, segregate disposal from munitions and discharges and also these are the positive things that are from it. It picks up failures of the management activities. Use code boxes which other groups have said. Facility comments.

MS. FILE: I think that we have an issue.

MS. SUBRA: Okay, I am sorry.

MR. ORUM: On number one, just the same issue I raised in our group. We need to know what are the criteria that you would use to segregate disposal from emissions and discharges. Since the idea here is kind of to create two large, conceptual groupings, what criteria would you use to put each type of emission into each grouping.

MR. CHAMBERLAIN: You are just saying that you need some definitions for that?

MR. ORUM: We need to know some criteria and, based on those, whether that would be needed to know whether this would make sense or not. We did not succeed in coming up with those criteria, except its design or intent or a lot of different things.

MS. SUBRA: Okay. Any other comments on one through three?

[No response.]

MS. SUBRA: Four is that this uses the data elements from other programs and adds new sections four and 5.9 to make -- [comment off microphone] -- sections 8.1 to 8.8. Again, that is off of the new sheet and the newest spreadsheet that sort of goes along with the other groups.

These are the treatment efficiencies which group one did not want and group two did. We also wanted a roll-up --

do the same thing for section seven, and then change the certification language which is the same thing that group two had presented.

And then amend it to quantity sent offsite. I think that the other group was quantities transferred. Make it clear that it is going offsite.

And then the new information changes from the prior years. Some of the other groups mentioned that one as well. Section 8.14 includes quantities of virgin material are voided so that you know how much material. And then that comment earlier had set that it also should be a percentage.

So it could be that it gives you quantity as well as percentage to get some idea of what percent of the total material we are going --

MR. ECK: Just on that general idea. The quantity of virgin material replaced by recycling. For offsite recycling I do not think that that is a workable idea. For onsite recycling it may have some utility. That is the comment.

MS. SUBRA: Okay. We thought about maybe breaking it into how much virgin material is replaced by onsite recycling versus how much material is replaced by recycled material from offsite.

MR. SKERNOLIS: We were actually trying to get at the problem that Joan raised about getting lead supply from the batteries. We know that 80 percent is coming from recycling. Should that be brought into the process just the same as it would reclaiming the soil that we are using -- [comment off microphone]? We are avoiding the mining of 80 percent of the lead -- [comment off microphone].

MR. STONE: I want to address Michael's comments. We are a batch plant. We send an additional stream off that is recycled. We also are involved with managing an acid scrubber that picks up a basic material that is off-site recycled. We get the virgin basic material back in a form that is resold. We have very good capture efficiencies for both of those processes. So for offsite recycling, it can be done. The two streams that we have can be done very easily.

MS. FILE: Any other comment?

MS. FASSINGER: Just a question. It appears that item one and item five are contradictory. Item one I think that you said not to make any changes. I think that it was on the previous page. You said not to make any changes and then you said -- there was another comment that said -- referred to a spreadsheet format.

MS. SUBRA: We want to make as few changes as possible. That had to do with not making it difficult on the industry and also having information for the trend analysis.

MS. FASSINGER: So, if we went to a spreadsheet format, it would pretty much look the same as it does now -- and would --

PARTICIPANT: Yes.

MS. FASSINGER: -- still address your issue?

MR. SKERNOLIS: The only two data elements we have asked for would be simply a subset of the data. It would not be changing the form. It would be adding to the subset box. In the case of six and seven, if we use look-up tables, we are not asking people to change anything they are doing to 6.1 or

6.2. Everything would be done automatically for them.

MS. FILE: Andy?

MR. COMAI: It seems like we are getting a proliferation of data points. That was one of the things that -- some of the proliferation comes around this idea that you want to make your recycling look as good as possible. Certain people would agree that we could add a data point on something like if your recycling truck blows on the way back from the plant that would be your waste and you would record that in Section 8.8. You would have 8.8(a) and 8.8(b).

MS. SUBRA: We also have Andy's spill chart. Are you satisfied with this?

MR. NATAN: That optional 8.1 -- I just wanted to point out that it assumes that that is not what is already being reported as quantity recycled onsite.

MS. SUBRA: Say that again.

MR. NATAN: Adding that assumes that that is what facilities are not already reporting as the quantity recycled onsite, which assumes that there is going to be some other method of calculating quantity recycled.

MR. LATTIMER: Maybe that helps to explain my question to 8.14. To me if you recycle something there is going to be a replacement of a virgin raw material. Because otherwise why would you even recycle it in the first place? I have a hard time understanding how 8.14 is different from the amount recycled.

MR. NATAN: You might recycle some of it onsite and then use it in a way that it was not being done before. I mean, it is conceivable that not everything is going to go back into the process to use as it was used originally I guess is what I am getting at.

The only thing that I am saying is that my experience is that there are a lot of different ways of calculating. I have seen facilities calculate onsite recycling and that is one of them. It just assumes that there is -- otherwise, you would be reporting the same thing twice.

MS. SUBRA: Okay.

MR. COMAI: Does anyone disagree with this?

I have just a couple of questions that need to be addressed in terms of how -- a lot of it gets to better definitions on what are spills, what are reactions and what are one-time non-productive related events.

MR. FEES: Andy, are these recommendations or questions?

MR. COMAI: These are questions that we need to address prior to making recommendations. A recommendation is better guidance.

MR. CHAMBERLAIN: Andy, I think what we discussed in our group and Andy's concern pointed out these areas. I think what our recommendation is that we would like to see better guidance on spills. You can take all of this and factor that into the guidance. Is that right, Ken? Is that kind of -- are you agreeing?

MS. FILE: Does anyone have any objections to that?

[No response.]

MS. FILE: Okay.

Group four.

[Laughter.]
PARTICIPANT: He objects to better guidance.
[Laughter.]
PARTICIPANT: That means more work, right?
[Laughter.]
Agenda Item: Group Four
MS. FASSINGER: My first recommendation was adding a data element. So the first-time a facility falls out of reporting there is a very brief, easy way for them to indicate why there is a change.
MR. BROMLEY: I have noted my objections on there. I do not know if you need to put them up there.
MS. FASSINGER: It is already up there. You have noted them before.
MR. BROMLEY: They are on the record I guess, yes.
MS. FASSINGER: Going once, going twice?
MR. BROMLEY: Those will be on the record, right?
PARTICIPANT: Yes.
[Laughter.]
MR. BROMLEY: I just want to make sure I do not need to put them up there.
MS. FASSINGER: Okay. The second item. Adding a production index which we have gone through quite extensively. We already have that I guess. Adding a use index which was Rick's proposal.
Having a waste index, and then breaking out onsite and offsite for each of the items here, four through nine.
MS. FILE: Sam and Vicki.
MR. STONE: I guess I have an objection because I do not know what secondary product is.
MS. FASSINGER: John? Unfortunately I was not there for that part of the discussion.
MR. STONE: I do not know what he meant when he put that in. That is Rick's table. I know the others.
MS. SULLIVAN: That is the definition of secondary product.
MR. STONE: What the definition of secondary product is.
MS. FILE: Vicki?
MS. SULLIVAN: I second Sam's. I have the same thing. I do not know what it is.
MS. FILE: Okay.
PARTICIPANT: I do not know what it is.
[Simultaneous discussion off the record.]
PARTICIPANT: Speaking only from a Massachusetts person caught in the same kind of terminology. It may be -- I am not sure what it is doing there, but it may be his way of trying to say a product which has been a waste at one point and has been made back into a product.
MS. SULLIVAN: Okay.
PARTICIPANT: That is my guess of what it would mean in Massachusetts.
PARTICIPANT: A plastic regrind going into sneaker soles type thing?
PARTICIPANT: Something like that.
MS. FASSINGER: I guess that the question is, you know, these are all wastes after the fact. I would think they

would be a waste after the fact.

PARTICIPANT: I do not understand it there.

MS. FASSINGER: Well, we may have to hold that in reserve. Okay.

MR. COMAI: I would disagree with this number eight and number nine.

MS. FASSINGER: This is similar to what was in the earlier proposals about breaking out what is going into a managed land disposal unit versus your ambient releases. These are also covered in another option.

MR. COMAI: What happens when the leachate comes out? What happens to the PCBs on the truck tires? What happens to the BOCs that go to --

MS. FASSINGER: When what comes out?

MR. COMAI: The leachate.

MR. STONE: That is addressed in the 318 Form R proposal, one of the sections on what comes out called 4.3.2, unintended discharges from land disposal activities. MS. FASSINGER: These discharges, in answer to your question, Andy, were discussed I know in one of the other groups in the other papers. Whether our group had discussed it I cannot say.

MR. STONE: Metals from land -- [comment off microphone]?

PARTICIPANT: They are changing the nomenclature. MS. FASSINGER: They should be recorded if they are eventually released.

MR. STONE: When a company has a spill from leeching from an impoundment and they stop using the chemicals, they fall under the 10,000-pound otherwise use limit. But they are going to be pumping stuff and treating it for the next 20 years from -- [comment off microphone].

[Discussion off record.]

PARTICIPANT: This does not change any reporting element.

PARTICIPANT: You have lost 100,000 that refers at least to the ambient environment and would have to be reported.

PARTICIPANT: It is not reported now.

PARTICIPANT: But the terminology is different from what is up there. I mean, if you say no to change but you have a different baseline that you --

PARTICIPANT: Right. But the numbers reported as releases -- both of those are releases --

PARTICIPANT: Actually, it makes it more accurate. PARTICIPANT: -- are -- there is no difference in the numbers that are reported. Releases that are reported are not changed.

PARTICIPANT: I understand that.

PARTICIPANT: It is just how releases are broken out.

PARTICIPANT: The Form R right now does not say in place --

PARTICIPANT: We are saying that it is the same data that is available and it is just broken out differently. The nomenclature changes. In fact, it is more precise for public consumption purposes than having to differentiate between

something that is still in the disposal facility and something that is no longer in the disposal facility.

MS. FASSINGER: At the risk of speaking out of turn for my group, the way I would interpret it is that your escapees would still be reported under dispersed, but would be consistent with Sam's proposal. So that would be reported.

MR. BROMLEY: If -- what Andy was saying, if you met the threshold. If you do not meet the threshold, it is just like, well, it would not be reported under either system. There would be no change.

MR. CHAMBERLAIN: It should be handled under your state program. Something like that would be handled under your state program.

MR. SKERNOLIS: Just repeating the same objection I think before, the use index and using the term production index too broadly. There may be a large number of total facilities and types of facilities for which those indices are not appropriate and each one has to take that into account on whether the TRI ought to include those kinds of indices, if they are only going to be applicable to a narrow set.

MS. FILE: Okay. Paul.

MR. ORUM: Eight and nine again. I think that the terms displaced and dispersed actually have some potential. They are interesting. But I would need to know where is underground injection?

MS. FASSINGER: It is in place, but any leakage would be dispersed.

MR. ORUM: What do you mean by leakage?

MS. FASSINGER: Migration.

MR. ORUM: Doesn't it all go out of the bottom?

MS. FASSINGER: Any migration.

MR. BROMLEY: It is managed in a control disposal system. It is permitted in a waste management system.

MR. ORUM: I mean, again, that would be an issue of the criteria by which you make these determinations. Because you are talking about it being a permanent -- being raised -- [comment off microphone]. Being controlled in a contained something is not. It is -- pump -- underground to which it can migrate anywhere. We have no idea where it goes basically.

MR. CHAMBERLAIN: I disagree with that. I think that the point is that the EPA needs to take that into consideration and put some criteria to defining that.

MS. FASSINGER: I think that the intent here is to capture those failures through the dispersed -- better capture failures through the dispersed data element and then indicate the management, type of management you are going to put in place.

MR. SMITH: Deep well injection. I think that deep well injection is not dispersals like saying an air emission stays within the planet, so, you know, it is in place in the planet. It is the same concept.

MR. CHAMBERLAIN: These terms that this group four came up with, I mean, that is the first time that I have seen those terms. In our group three we use the term unintended discharge which captures it into emissions and discharges versus the managed land disposal option.

MR. BROMLEY: The concept is to take releases and subcategorize them.

MR. CHAMBERLAIN: Still releases, yes. They are still releases. I mean, the universal releases and then subcategorize them so that it is better understood instead of just having releases too bland. Now we subcategorize them.

MR. ORUM: They are already categorized.

MR. CHAMBERLAIN: Right. We are just furthering that categorization, additional categorization.

PARTICIPANT: Actually, what you are doing is you are taking the categories and lumping them back together.

MR. CHAMBERLAIN: No. We are separating them out.

PARTICIPANT: No. You are taking a variety of land things and you are deciding whether they are in place or dispersed. You are lumping them.

MS. FASSINGER: I am referring back to the one other member of our group who was part of this discussion. I apologize that I did not get into this part of it.

MR. STONE: You are both actually right. What we are looking at is that none of the numbers have changed. If we have an underground well that leaks, the person who put it in that underground well may or may not be the people who are responsible for that well. The subsequent leakage occurs. To my knowledge, I do not think that any of it occurred in the last 10 or 20 years at the well -- down at the bottom. I know that we have incidents at the top of the well because we had one last week. In the paper it made headlines because of the underground well.

The people who maintain that well went through the subsequent reporting, and then that would show up in Section nine, where the first placement of that material in the well would go into section eight. Anything that moves from the zone that it is placed into or if something happens to the top of the pipe or if you have a pressure discharge that forces stuff up, then that would be a subsequent release and that would show up in section nine.

It is the same thing if it went into a secure managed landfill and you had a subsequent leakage. The first placement would go in section eight. Any subsequent leakages coming out would show up in section nine by whoever maintains that landfill or land disposal site or whatever you want to call it.

MS. FASSINGER: I think too the other intent is right now -- and Maria, correct me if I am wrong, right now you only report once and that is the in-place value. In this situation you actually would have a potential for double pounding, but the information would be better information.

MR. BROMLEY: It is segregated there so that it makes sure.

MS. FASSINGER: Get a better idea of what is going on. So that could be reported twice. Paul?

MR. ORUM: In addition to the criteria which is categorized, I think that there is also an issue that one may not have any information on where these materials go. If you are planning an injection into a deep underground formation and it is obtained, what monitoring is there then of that deep underground formation? You really have no ideas where those mate-

rials go until they show up by coming up another well or wherever they end up.

MR. CHAMBERLAIN: Well, I have to disagree with you. We do know. I mean, that is part of the permitting process is to demonstrate to EPA before you can even get approval to operate those facilities is to know where that material is going.

MR. ORUM: Yes. But you are saying that you are demonstrating to EPA something before it happens. There is just a big difference between actually knowing what --

MR. CHAMBERLAIN: And there is a continuous monitoring, a continuous evaluation of that process. So it is an ongoing, continuous effort.

MR. ORUM: Landfill technology, I think that there are a lot of different so-called contained mechanisms in which you really -- it is a question, a very open question as to whether the information exists to really populate number nine with real numbers.

MR. BROMLEY: I would agree with you that it is an open question. Even under the present system, had that number had to be reported, that is the same situation. There may be a lack of monitoring. You have to use your best information. That is not going to change. You still have to do it.

MS. FILE: We have another minute left. This is recorded already. So, if you want to make comments on the rest of this presentation we need to move.

MS. FASSINGER: I think that the objections are duly noted and actually we are trying to get around the contained/uncontained, permitted/unpermitted by using this terminology and that would have to be hashed out.

The next item was trying to provide better indications of the amount of material with regard -- as we get into more and more recycling, to put better context to the very large recycling numbers, and especially as we total those in the total waste and try to provide an indication of how much is in the system at one time. So we suggested, in light of our edits that there is an amount managed that is going to be basic mass of the system, and that we have the same as we have now, the total amount generated, which is an annual total.

Any comments on those?

MR. SPRINKER: I guess that I would just like to see some of those things played out for different scenarios, different types of production processes so that we would see what we may gain or not or lose out of that information.

MS. FASSINGER: Okay.

MR. SKERNOLIS: I am very sympathetic to what you are trying to get at.

PARTICIPANT: Please, speak into the microphone. We cannot hear you.

MR. SKERNOLIS: I am very sympathetic to what this group is trying to get at and trying to accomplish. My concern with this idea is the same as I have with the use index. We are generalizing numbers and the public has no idea what they mean. It would be useful to a small group of elitists like us to manipulate the data and things like that. And you put these numbers out in the public database and there is no relationship to reality so that people understand what is go-

ing on. I think that we simply have to get back to that notion that there has to be some straight-forwardness associated with these numbers so that people can understand them.

MR. SMITH: If you are going to pursue the recycling thing, you have also got to pursue use data. There is no other way around it. It has got to be clear that if you are still using a hundred gallons of something that that is still not source reduction at a facility. You have got to reduce the use of the material in order to move into source reduction. 150 gallons of virgin and 50 gallons of recycled material is still a hundred gallons.

MS. FILE: Andy.

MR. COMAI: I guess the examples look good. But when you talk about what is going into the gray box, the little box is there anything that comes out in the product or is there any -- will there be losses that do not show up to create that unity? How would you check it? You would get more use data if you use that piece as well.

MS. FASSINGER: Losses would still be reported as they are reported now.

MR. COMAI: So what ends up in the product is the big question.

MR. STONE: As a matter of fact, no waste ends up in the product. That chemical is balanced out. It has to be done.

MS. FILE: If you guys want to come in --

MS. FASSINGER: Well, we have one more.

MS. FILE: Okay.

MS. FASSINGER: Not as a member of a group, but for myself I have to object to Grant's comments that the only source reduction is use reduction. I do believe that it is one option of source reduction that is stated in the EPA.

The last data element which would be an optional for those who are interested in trying to put better context in these numbers is to provide -- and this is consistent with Suzi's group, or Wilma's group -- the amount of raw material use avoided by using recycled materials.

MS. FILE: Andy and Paul or just Paul.

MR. ORUM: I object again that it is optional. If you are going to do it do it.

[Laughter.]

MS. FILE: Andy?

[No response.]

MS. FILE: Are there others?

[No response.]

MS. FILE: Okay. Thanks. Michelle or Maria, do you want to take it from here?

PARTICIPANT: Yes. Well, we wanted to talk about the May meeting. The first thing that someone brought up to me is that they are going to be -- I think that we knew this when we planned this date before. There will be a few people missing at the May meeting. May 27th through the 28th are the dates that we had down and what we discussed at our January meeting. It sounds like there might be more folks now missing and I am not sure why.

It has been suggested to me that maybe we should reopen the date consideration.

PARTICIPANT: Michelle, did you say the 27th and the 28th, a Wednesday, Thursday?

PARTICIPANT: Yes. [Whereupon, the meeting was adjourned at 3:25pm